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LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume 1

NINETY-FOURTH LEGISLATURE
FIRST SESSION

1995

Convened January 4, 1995 Adjourned June 8, 1995

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

LEGISLATURE

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Dist.	Name	Address	Occupation	Counties
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2	Roger R. Wehrbein	Plattsmouth	Farmer/Feeder	Cass, Otoe*
3	Michael Avery	Gretna	Investment Counselor	Sarpy*
4	Kermit A. Brashear	Omaha	Lawyer	Douglas*
5	Donald G. Preister	Omaha	Joy Creations Greeting Card Manufacturer	Douglas*, Sarpy*
6	Pam Brown	Omaha	Self-employed Consultant	Douglas*
7	Timothy J. Hall	Omaha	Insurance	Douglas*
8	Eric J. Will	Omaha	Senator	Douglas*
9	John Lindsay	Omaha	Attorney	Douglas*
10	Carol McBride Pirsch	Omaha	Manager of Customer Relations	Douglas*
11	Ernie Chambers	Omaha	Defender of the Downtrodden	Douglas*
12	Chris Abboud	Omaha	Attorney	Douglas*
13	Daniel C. Lynch	Omaha	Insurance	Douglas*
14	Ron Withem	Papillion	Executive Director of Mechanical Contractors Association	Sarpy*
15	Ray Janssen	Nickerson	Grocer	Dodge*
16	C. N. "Bud" Robinson	Blair	Educator and Businessman	Burt*, Cuming*, Washington
17	Leo "Pat" Engel	South Sioux City	State Farm Insurance Agent	Burt*, Cuming*, Dakota, Dixon*, Thurston, Wayne*

Dist.	Name	Address	Occupation	Counties
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19	Connie J. Day	Norfolk	Business Owner	Madison
20	Jim Jensen	Omaha	Contractor	Douglas*
21	Carol Hudkins	Malcolm	Farmer	Douglas*, Lancaster*, Saunders*
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29	LaVon Crosby	Lincoln		Lancaster*
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31	Kate Witek	Omaha	Homemaker	Douglas*
32	George Coordsen	Hebron	Farmer	Fillmore, Jefferson*, Nuckolls*, Saline*, Thayer
33	Ardyce Bohlke	Hastings		Adams, Hall*
34	Janis McKenzie	Harvard	Farmer/Education Consultant	Clay, Hall*, Hamilton, Merrick
35	Dan Fisher	Grand Island	Banker/Bank Consultant	Hall*
36	Jim D. Cudaback	Riverdale	Property Manager	Buffalo*, Dawson, Sherman*

Dist.	Name	Address	Occupation	Counties
37	Douglas A. Kristensen	Minden	Attorney	Buffalo*, Kearney
38	Edward "Ed" J. Schrock	Elm Creek	Farmer	Franklin, Furnas*, Gosper, Harlan, Nuckolls*, Phelps, Webster
39	Dwite A. Pedersen	Elkhorn	Private Practice Substance Abuse Counselor	Douglas*, Sarpy*
40	Merton L. Dierks	Ewing	Veterinarian/Rancher	Antelope, Boyd, Holt, Knox*
41	Jerry Schmitt	Ord	Retired	Boone*, Custer*, Garfield, Greeley, Hall*, Howard, Sherman*, Valley, Wheeler
42	David Bernard-Stevens	North Platte	Supportive Husband	Lincoln
43	Jim Jones	Eddyville	Rancher	Blaine, Brown, Cherry, Custer*, Grant, Hooker, Keya Paha, Logan, Loup, McPherson, Rock, Sheridan*, Thomas
44	W. Owen Elmer	Indianola	State Senator	Chase, Dundy, Frontier, Furnas*, Hayes, Hitchcock, Perkins, Red Willow
45	D. Paul Hartnett	Bellevue	College Professor	Sarpy*
46	David M. Landis	Lincoln	College Instructor	Lancaster*
47	Gerald E. Matzke	Sidney	Attorney	Arthur, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill
48	Joyce Hillman	Gering		Scotts Bluff*
49	Bob Wickersham	Harrison	Attorney	Banner, Box Butte, Dawes, Scotts Bluff*, Sheridan*, Sioux

Clerk

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RULES OF THE
NEBRASKA
UNICAMERAL
LEGISLATURE

Published by

Patrick J. O'Donnell
Clerk of the Legislature
Lincoln, Nebraska 68509

Adopted February 11, 1994

RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; two from Legislative Districts 3 through 14, 20, 31, 39, and 45; and two from Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance. Rule 2, Section 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. (a) These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

(j) The smoking of any tobacco product by any member or any other individual within the Legislative Chamber is prohibited. The Senate Lounge (Room 2026) shall be a designated smoking area.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the

Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 21, 25 through 29, 39, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 22 through 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 35 through 38, 41 through 44, and 47 through 49.

(b) After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), and immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on

Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.

(d) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(e) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c) unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members

Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Legislative Program Evaluation. RRS 50-1204	5 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at

1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2(c).

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;

(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4–RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Seven copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted, individually or in groups as determined by the Speaker, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any member prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

RRS 85-404, 85-408.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:
(1) the phrase "there is hereby appropriated";
(2) a specific fund type shall be identified and the fund shall be appropriated;
(3) the amount to be appropriated from such fund shall be identified;
(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her cointroducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

MEM--Majority of Elected Members;
MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**
Move to change order	**3/5**	**1-16**
Move to indefinitely postpone before bill is read	**MEM**	**6-3f**
Move to indefinitely postpone after bill is read	**MTV**	
Move to advance to E & R for review	**MEM**	**6-4**
Move to return to committee	**MEM**	

Move to reconsider		
(within one legislative day thereafter)	**MEM**	**7-7a**
(if after one legislative day, by suspension of the rules only)	**3/5**	**7-7a**
Move to amend	**MEM**	**6-3h**
Move to amend the amendment	**MEM**	**6-3h**
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to return to Select File	**MEM**	**6-5d**
Motion to amend	**MEM**	**6-5f**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for engrossing if machine vote requested	**MEM**	**2-1**
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to indefinitely postpone	**MEM**	**6-5e**
On bill returned from E & R for engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency

clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend *bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.*

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To recess
b. To adjourn
c. For cloture
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

> *Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.*
> *Voice vote while house under call. Rule 7, Section 2b.*

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

> *Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.*

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.

iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motions to Adjourn or Recess. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the pending amendment or motion shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the original amendment. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

RULE 10–ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. Election Contests and Qualifications Challenges. (a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

Sec. 2. Initiating Election Contests. (a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was committed in specified precincts in the counting, return or canvass of the votes or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or other inquiry is desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

Sec. 3. Initiating Qualifications Challenges. (a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

Sec. 4. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or her place of residence and to his or her attorney of record at his or her office if so requested by the party.

Sec. 5. Committee Proceedings and Powers in Contests and Challenges. (a) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 20. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 20.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

Sec. 6. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and re-refer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are non-amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just and proper.

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FIRST DAY - JANUARY 4, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 1995

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Fourth Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., on Wednesday, January 4, 1995, and was called to order by President Robak.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Avery, Michael T.
Bernard-Stevens, David F.
Beutler, Chris
Bohlke, Ardyce L.
Brashear, Kermit
Bromm, Curt
Brown, Pam
Chambers, Ernie
Coordsen, George
Crosby, LaVon
Cudaback, Jim D.
Day, Connie J.
Dierks, Merton L.
Elmer, W. Owen
Engel, L. Patrick
Fisher, Dan
Hall, Tim
Hartnett, D. Paul
Hillman, Joyce
Hudkins, Carol L.
Janssen, Ramon E.
Jensen, Jim
Jones, James E.
Kristensen, Doug
Landis, David M.
Lindsay, John C.
Lynch, Daniel C.
Matzke, Gerald E.
Maurstad, David I.
McKenzie, Janis
Pedersen, Dwite A.
Pirsch, Carol McBride
Preister, Don
Robak, Jennie
Robinson, C. N. Bud
Schellpeper, Stan
Schimek, DiAnna R.
Schmitt, Jerry
Schrock, Ed
Stuhr, Elaine
Vrtiska, Floyd P.
Warner, Jerome
Wehrbein, Roger R.
Wesely, Don
Wickersham, Bob
Will, Eric
Witek, Kate
Withem, Ron

MOTION - Adopt Temporary Rules

Mr. Bromm moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 4, 1995.

The motion prevailed.

MOTION - Temporary Clerk and Sergeant at Arms

Mr. Dierks moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Ms. Lynne Haas as temporary Sergeant at Arms.

The motion prevailed.

MOTION - Committee on Credentials

Mr. Landis moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November, 1994.

The motion prevailed.

Mr. Hall moved to elect the five senior members of the Legislature to serve on the Committee on Credentials: Senators Warner, Chambers, Wesely, Landis, and Pirsch.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected to serve in the Ninety-fourth Legislature, First Session (Regular), 1995.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected Members of the Unicameral Legislature in the State of Nebraska for the Ninety-fourth Legislature, First Session (Regular), 1995.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	Floyd P. Vrtiska	November 3, 1992
2	Roger R. Wehrbein	November 8, 1994
3	Michael T. Avery	November 3, 1992
4	Kermit Brashear	November 8, 1994
5	Don Preister	November 3, 1992
6	Pam Brown	November 8, 1994
7	Tim Hall	November 3, 1992
8	Eric Will	November 8, 1994
9	John C. Lindsay	November 3, 1992
10	Carol McBride Pirsch	November 8, 1994
11	Ernie Chambers	November 3, 1992
12	Chris Abboud	November 8, 1994
13	Daniel C. Lynch	November 3, 1992
14	Ron Withem	November 8, 1994
15	Ramon E. Janssen	November 3, 1992
16	C. N. Bud Robinson	November 8, 1994
17	L. Patrick Engel	November 8, 1994
18	Stan Schellpeper	November 8, 1994
19	Connie J. Day	November 3, 1992
20	Jim Jensen	November 8, 1994
21	Carol L. Hudkins	November 3, 1992
22	Jennie Robak	November 8, 1994
23	Curt Bromm	November 3, 1992
24	Elaine Stuhr	November 8, 1994
25	Jerome Warner	November 3, 1992
26	Don Wesely	November 8, 1994
27	DiAnna R. Schimek	November 3, 1992
28	Chris Beutler	November 8, 1994
29	LaVon Crosby	November 3, 1992
30	David I. Maurstad	November 8, 1994
31	Kate Witek	November 3, 1992
32	George Coordsen	November 8, 1994
33	Ardyce L. Bohlke	November 3, 1992
34	Janis McKenzie	November 8, 1994

35	Dan Fisher	November 3, 1992
36	Jim D. Cudaback	November 8, 1994
37	Doug Kristensen	November 3, 1992
38	Ed Schrock	November 8, 1994
39	Dwite A. Pedersen	November 3, 1992
40	Merton L. Dierks	November 8, 1994
41	Jerry Schmitt	November 3, 1992
42	David F. Bernard-Stevens	November 8, 1994
43	James E. Jones	November 3, 1992
44	W. Owen Elmer	November 8, 1994
45	D. Paul Hartnett	November 3, 1992
46	David M. Landis	November 8, 1994
47	Gerald E. Matzke	November 8, 1994
48	Joyce Hillman	November 8, 1994
49	Bob Wickersham	November 3, 1992

MOTION - Credentials Committee Report

Mr. Warner moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Mrs. Hudkins moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Abboud, Robinson, Lynch, Mmes. Crosby, and Hillman to serve on said Committee.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of a member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill each office, you have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation), so help you God.

Chris Abboud
David F. Bernard-Stevens
Chris Beutler
Kermit Brashear
Pam Brown
George Coordsen
Jim D. Cudaback
Merton L. Dierks
W. Owen Elmer
L. Patrick Engel
Joyce Hillman
Jim Jensen
David M. Landis
Gerald E. Matzke
David I. Maurstad
Janis McKenzie
Carol McBride Pirsch
Jennie Robak
C. N. Bud Robinson
Stan Schellpeper
Ed Schrock
Elaine Stuhr
Roger R. Wehrbein
Don Wesely
Eric Will
Ron Withem

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mr. Hall moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Fourth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	Harland Johnson

The motion prevailed with 43 ayes, 0 nays, and 6 present and not voting.

MOTION - Election of Speaker

Mr. Kristensen moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Mr. Coordsen placed his name in nomination.

Mr. Withem placed his name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Ms. Schimek, Messrs. Matzke, and Cudaback as tellers.

Coordsen	24
Withem	25
	49

Mr. Withem was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Mr. Abboud moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Abboud, Lynch, Robinson, Mmes. Crosby, and Hillman to serve on said Committee.

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear (or affirm) that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability, so help us God.

Speaker	Ron Withem
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	Harland Johnson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Mr. Engel moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mrs. Crosby placed her name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mrs. Crosby.

The motion prevailed.

Mrs. Crosby was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Mrs. Crosby moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, Sec. 2(a), to nominate three members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Mr. Beutler, Mr. Landis, and Mr. Pedersen were nominated from District 1.

Mr. Lynch, Mr. Lindsay, and Mr. Abboud were nominated from District 2.

Mr. Schellpeper, Mr. Robinson, and Mr. Dierks were nominated from District 3.

Mrs. Hillman, Mr. Bernard-Stevens, and Mrs. Bohlke were nominated from District 4.

Mr. Will moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Mr. Schmitt moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Warner nominated Mr. Hall.

Mrs. Witek placed her name in nomination.

Mr. Lindsay moved the nominations be closed.

The motion prevailed.

The Chair appointed Mrs. Robak, Messrs. Schrock, and Wickersham as tellers.

Hall	36
Witek	11
	47

Mr. Hall was duly elected Chairperson of the Executive Board.

MOTION - Use of Ballots

Mr. Chambers moved to proceed to use only blank ballots as has been our custom as opposed to pre-printed ballots.

The motion prevailed.

MOTION - Vice Chairperson of Executive Board

Mr. Landis moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mrs. Hillman placed her name in nomination.

Mrs. Crosby nominated Mr. Vrtiska.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Lindsay, Jones, and Avery as tellers.

Hillman	21
Vrtiska	28
	49

Mr. Vrtiska was duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Mrs. Witek moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Mr. Janssen and Mrs. McKenzie were nominated from District 1.

Mr. Chambers and Mr. Hartnett were nominated from District 2.

Mrs. Robak and Mr. Kristensen were nominated from District 3.

Mr. Vrtiska moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

ANNOUNCEMENT

The Chair announced today is Senator Kristensen's birthday.

MOTION - Standing Committee Chairpersons

Mrs. Pirsch moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. Dierks placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Dierks.

The motion prevailed.

Mr. Dierks was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Bernard-Stevens placed his name in nomination.

Mr. Wehrbein placed his name in nomination.

Mrs. Pirsch moved the nominations be closed.

The motion prevailed.

The Chair appointed Mmes. Brown, McKenzie, and Mr. Janssen as tellers.

Bernard-Stevens	22
Wehrbein	27
	49

Mr. Wehrbein was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Landis placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Landis.

The motion prevailed.

Mr. Landis was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Mr. Abboud placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Abboud.

The motion prevailed.

Mr. Abboud was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Mrs. Bohlke placed her name in nomination.

Mrs. Witek placed her name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Will, Engel, and Brashear as tellers.

Bohlke	36
Witek	13
	49

Mrs. Bohlke was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Mr. Schellpeper placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Schellpeper.

The motion prevailed.

Mr. Schellpeper was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Ms. Schimek placed her name in nomination.

Mr. Robinson placed his name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Mrs. Stuhr, Messrs. Pedersen, and Preister as tellers.

Schimek	23
Robinson	26
	49

Mr. Robinson was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Mr. Wesely placed his name in nomination.

Ms. Day placed her name in nomination.

Mrs. Pirsch placed her name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Chambers, Hartnett, and Maurstad as tellers.

Wesely	19
Day	18
Pirsch	12
	49

The Chair announced that a second ballot would be cast between Mr. Wesely and Ms. Day.

The Chair appointed Messrs. Bromm, Withem, and Abboud as tellers.

Wesely	33
Day	16
	49

Mr. Wesely was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Mrs. Crosby nominated Mrs. Hudkins.

Mr. Lindsay placed his name in nomination.

Mr. Lynch moved the nominations be closed.

The motion prevailed.

The Chair appointed Mmes. Bohlke, Pirsch, and Mr. Warner as tellers.

Hudkins	24
Lindsay	25
	49

Mr. Lindsay was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Mr. Beutler placed his name in nomination.

Mr. Elmer placed his name in nomination.

Mr. Bromm placed his name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Landis, Kristensen, and Coordsen as tellers.

Beutler	18
Elmer	13
Bromm	18
	49

The Chair announced that a second ballot would be cast between Mr. Beutler and Mr. Bromm.

The Chair appointed Messrs. Landis, Kristensen, and Coordsen as tellers.

Beutler	25
Bromm	23
	48

Mr. Beutler was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Mr. Wickersham placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Wickersham.

The motion prevailed.

Mr. Wickersham was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Mr. Hall nominated Mr. Warner.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Warner.

The motion prevailed.

Mr. Warner was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation

Mr. Kristensen placed his name in nomination.

Mr. Fisher placed his name in nomination.

Mr. Lindsay moved the nominations be closed.

The motion prevailed.

The Chair appointed Mrs. Witek, Ms. Day, and Mr. Bernard-Stevens as tellers.

Kristensen	28
Fisher	21
	49

Mr. Kristensen was duly elected Chairperson of the Transportation Committee.

CHAIRPERSON - Urban Affairs

Mr. Preister nominated Mr. Hartnett.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Hartnett.

The motion prevailed.

Mr. Hartnett was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Mr. Preister moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Avery placed his name in nomination.

Mrs. McKenzie placed her name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Hall, Schellpeper, and Wesely as tellers.

Avery	26
McKenzie	23
	49

Mr. Avery was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mr. Will placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Will.

The motion prevailed.

Mr. Will was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Mrs. McKenzie nominated Mr. Maurstad.

Mrs. McKenzie moved to cease nominations and to cast a unanimous vote for Mr. Maurstad.

The motion prevailed.

Mr. Maurstad was duly elected Chairperson of Enrollment and Review.

MOTION - Suspend Rules

Mr. Withem moved to suspend the Rules, Rule 4, Section 6, to permit consideration of LR 2.

The motion to suspend the rules prevailed with 37 ayes, 0 nays, and 12 present and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 2. Introduced by Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Chambers, 11; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44, Engel, 17; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch,10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, Allen Beermann has served as the quintessential public servant in the Nebraska Secretary of State's office for the past twenty-nine years -- two years as assistant legal counsel, three years as Deputy Secretary of State, and the last twenty-four as Secretary of State; and

WHEREAS, Secretary of State Beermann has acted as Nebraska's chief election officer during which time he has promoted statewide election reform, has received national recognition for his expertise in election law by his peers, has served on the Federal Election

Commission, and has lead an international observation group to monitor China's election procedures; and

WHEREAS, Secretary of State Beermann has provided his insight and knowledge to numerous boards and commissions and has been responsible for the administration of countless and varied state laws; and

WHEREAS, Secretary of State Beermann has been Nebraska's international goodwill ambassador and has been the crux of many successful trade missions to develop foreign markets due to his knowledge of foreign protocol and ability to convey the hospitality of the Cornhusker State to visitors from abroad; and

WHEREAS, Secretary of State Beermann has proved to be an invaluable advisor to the Legislature, has served equally meritoriously with six different governors and their administrations, has earned the respect of and has generally left an indelible impression on those who knew and have worked with him during his residency at the State Capitol Building; and

WHEREAS, Allen Beermann is a student of human behavior whose mastery of public relations, attention to ethics, ability to compromise, and willingness to try the new has benefited our state; and

WHEREAS, the members of the Legislature collectively and individually join with the citizenry of the state in expressing deep gratitude to Allen Beermann for his extraordinary commitment and dedication in the service to our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses good fortune and best wishes to Allen Beermann in his future endeavors.
2. That a copy of this resolution be presented to Allen Beermann.

LR 2 was adopted with 45 ayes, 0 nays, and 4 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 2.

MOTION - Election Returns

Mr. Hartnett moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November, 1994.

The motion prevailed.

The Chair appointed Messrs. Schmitt, Jensen, and Mrs. Hudkins to serve on said Committee.

The Committee escorted Secretary of State, Allen J. Beermann, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 4, 1995

Speaker of the Legislature
Ninety-Fourth Legislature, First Session (Regular) 1995
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 8, 1994 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4,110 R.S. Nebraska 1943, Reissue of 1989 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to one Initiative Measure are on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)

) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 8, 1994.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Allen J. Beermann, Secretary of State

Governor Ben Nelson
Lieutenant Governor Kim Robak
Attorney General Don Stenberg
Secretary of State Scott Moore
Auditor of Public Accounts John Breslow
State Treasurer David Heineman
Public Service Commissioner Frank E. Landis
Public Service Commissioner Lowell C. Johnson
State Board of Education, Katherine Endacott
State Board of Education, Terry L. Loschen
State Board of Education, Kathy Wilmot
State Board of Education, Kathleen McCallister
Regent University of Nebraska, Chuck Hassebrook
Regent University of Nebraska, Drew Miller
Regent University of Nebraska, Robert M. Allen
Regent University of Nebraska, Rosemary M. Skrupa

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Initiative Ordered by Petition of the People, Number 408, showing the number of votes cast at the General Election in the State of Nebraska held on November 8, 1994.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Allen J. Beermann, Secretary of State

Initiative ordered by the Petition of the People Number 408: Shall the Nebraska Constitution be amended to: (1) set limits of two consecutive terms in office for Nebraska Legislators, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Public Service Commissioners, State Board of Education members, and University of Nebraska Board of Regents members; and (2) limit the number of consecutive terms in office for certain local officials; and (3) prohibit persons who have served three consecutive terms as a Representative in Congress or two consecutive terms in the U.S. Senate from being listed on any official ballot for re-election? Terms currently being served would not be counted.

FOR	359,774
AGAINST	171,894

Ms. Schimek moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Mr. Withem moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 1995, at 2:00 p.m.

The motion prevailed.

EASE

The Legislature was at ease from 2:01 p.m. until 2:11 p.m.

MRS. CROSBY PRESIDING

MOTION - Appropriations Committee Members

Mr. Hall moved to approve the appointments to the Appropriations Committee as received by the Executive Board.

The motion prevailed.

Mr. Wehrbein, Mr. Maurstad, and Mrs. Crosby were nominated from District 1.

Mrs. Brown, Mr. Brashear, and Mr. Lynch were nominated from District 2.

Mr. Schrock, Mr. Engel, and Mrs. Hillman were nominated from District 3.

ADJOURNMENT

At 2:14 p.m., on a motion by Mr. Withem, the Legislature adjourned until 12:00 noon, Thursday, January 5, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 1995

Pursuant to adjournment, the Legislature met at 12:00 noon, Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Abboud who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Mrs. Bohlke moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 5, 1995.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

May 10, 1994

Madam President, Speaker Withem,
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEES:
Michael O. Fleming
Mel Auch
Robert L. Spady

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

June 14, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Dry Bean Commission.

APPOINTEES:
Clifford J. Walker
Craig L. Maas
Kevin L. Kelley

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

July 20, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Arts Council:

APPOINTEE: Gail Yanney

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

August 10, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Foster Care Review Board.

APPOINTEES:
Kathleen M. Maloney, 3851 California, Omaha, NE 68131
Carol S. Holyoke, Rt. 1 Box 306, Scottsbluff, NE 69361
David Perlman, 309 South 50 Street, Omaha, NE 68132-3519
Vicki F. Powell, 820 Manchester Drive, Lincoln, NE 68528

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

August 10, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Accountability and Disclosure Commission.

APPOINTEES:
Judy Tamisiea, 5705 South 118 Plaza, Omaha, NE 68137
Charles J. Dougherty, Ph.D., 12724 Burt Street, Omaha, NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

August 11, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Coordinating Commission for Postsecondary Education.

APPOINTEE: Gretchen Hirschbach, Route 1, Box 217A, South Sioux City, NE 68776

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

August 11, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Personnel Board.

APPOINTEE: G. Roderic Anderson, P.O. Box 81008, Lincoln, NE 68501-1008

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

August 24, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Ethanol Board.

APPOINTEES:
Gary S. Goldberg, Rt. 1, Box 229, Kearney, NE 68847
Pat Hillebrandt, 2401 Hanscom Boulevard, Omaha, NE 68105

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

September 12, 1994

Madam President, Speaker Withem,
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Parole.

APPOINTEE: Ronald Bartee, 5616 Willit Street, Omaha, NE 68152

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

September 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Crime Victims Reparation Committee.

APPOINTEES:
Colonel Ronald Tussing, Nebraska State Patrol, P.O. Box 94907, Lincoln, NE 68509-4907
Catherine A. Walters, 109 West 11 Street, Cozad, NE 69130
James J. Riskowski, 9966 Devonshire Road, Omaha, NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:
Susan A. Thomas, 1515 West 6 Street, Hastings, NE 68901
Louise D. Schleich, 6412 Chesterfield Court, Lincoln, NE 68510-2361
Regina Williams-Tullos, 4116 Grant Street, Omaha, NE 68111

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council.

APPOINTEE: Marilyn L. Michel, 25108 Adams Street, Elmwood, NE 68349

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Educational Lands and Funds.

APPOINTEE: Jane M. Keller, 308 West Hwy 20, Bassett, NE 68714

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the State Board of Health.

APPOINTEES:
Nancy J. Gerrard, 2513 West Maple, Norfolk, NE 68701
Dr. Richard M. Tempero, 717 Hackberry Avenue, Omaha, NE 68132
Dr. Arthur A. Weaver, 16556 Dorcas Street, Omaha, NE 68130
Janel T. Foote, 1400 Heritage Drive, Hastings, NE 68901
Richard Fitzgerald, D.D.S., 9712 Charles Street, Omaha, NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 19, 1994

Madam President, Speaker Withem,
  and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Rural Health Advisory Commission.

APPOINTEES:
Irene Fiesterman, R.R. 1, Box 170, Lewellen, NE 69147
Marcia M. Freer, 1424 Ivy Avenue, Crete, NE 68333
Michael Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68114
Michael Haller, M.D., 770 North 93 Street, Omaha, NE 68114
Janet Fletcher, Route 1, Box 8J, O'Neill, NE 68763

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 24, 1994

Madam President, Speaker Withem,
  and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Railway Council.

APPOINTEES:
Frank E. Landis, 3802 Sweetbriar Lane, Lincoln, NE 68516
Carl Larsen, 439 Beech Street, Chadron, NE 69337
John Rebensdorf, 1416 Dodge Street, Omaha, NE 68102
Gary A. Rasmussen, 1809 18 Avenue, Elba, NE 68835

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:hb

October 25, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Electrical Board.

APPOINTEE: Jon McCafferty, 1030 Michael Street, Fremont, NE 68025

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 25, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Personnel Board.

APPOINTEE: Christine M. Harris, Director of Human Resources, Harris Laboratories, Box 80837, Lincoln, NE 68501

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

October 31, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Electrical Board.

APPOINTEE: Riley H. George, 303 Cherokee Road, Lexington, NE 68850

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

November 4, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Game and Parks Commission.

APPOINTEE: Tom J. Plummer, Jr., Box 397, Ogallala, NE 69153

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

November 29, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEE: Robert McLaughlin, 11513 Ruggles, Omaha, NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 5, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Arts Council.

APPOINTEES:
Donna N. Williams, 1705 South 91 Avenue, Omaha, NE 68124
Ann Gilbert, 1620 Skyline Drive, Lincoln, NE 68506
Mary Ann Harry, Rt. 1, Box 197A, Lexington, NE 68850

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 5, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Research and Development Authority.

APPOINTEES:
Dale C. Tinstman, Lincoln Square, Suite 706, 121 South 13 Street, Lincoln, NE 68508
Clifford W. Williams, P.O. Box 345, Aurora, NE 68818

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 6, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Advisory Commission on Compulsive Gambling.

APPOINTEES:
Susan Parascand, 614 West 3 Street, P.O. Box 321, Alliance, NE 69301
Frank McGill, 1735 North 42 Street, Omaha, NE 68111

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 6, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Agricultural Land Valuation Advisory Board.

APPOINTEES:
Jack Ostergard, HC 79, Box 42, Gothenburg, NE 69138
Robert J. Broomfield, 300 East Schultz Road, Doniphan, NE 68435
Mona Moje, 2610 14 Street, Columbus, NE 68601

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 7, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Central Interstate Low-Level Radioactive Waste Commission.

APPOINTEES:
F. Gregory Hayden, Ph.D., 5001 Deer Creek Circle, Lincoln, NE 68516
Craig Zeisler, Rural Route, Naper, NE 68755

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:hb

December 8, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Research and Development Authority.

APPOINTEE: John A. Woollam, 650 J Street, Apt. 39, Lincoln, NE 68508

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 14, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Oil and Gas Conservation Commission.

APPOINTEE: Thomas M. Sonntag, 1024 6 Avenue, Sidney, NE 69162

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Arts Council.

APPOINTEE: Gretchen Peters, 1850 Bonanza, Gering, NE 69341

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

December 19, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Research and Development Authority.

APPOINTEE: Lee B. Jones, 3835 Holdrege, Lincoln, NE 68588-0743

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

ATTORNEY GENERAL'S OPINIONS

Opinion No. 94046

DATE:	June 21, 1994
SUBJECT:	Constitutionality of Statutory "Term Limits" on State Elected Officials and Nebraska's Members of the U.S. House of Representatives and Senate.
REQUESTED BY:	Senator Chris Beutler Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

In the wake of the Nebraska Supreme Court's decision in Duggan v. Beermann, 245 Neb. 907, ___ N.W.2d ___ (1994), declaring invalid on procedural grounds the electorate's approval of a constitutional amendment imposing term limits on various state elected officials and ballot access restrictions on Nebraska's members in the U.S. House of Representatives and the Senate, you ask whether the Nebraska Legislature may, by statute, constitutionally enact term limit and ballot access restrictions similar to those contained in the initiative measure invalidated by the Court's decision. For the reasons outlined below, we conclude that the Legislature may, as to certain state officials such as Secretary of State, State Auditor and Attorney General, constitutionally enact statutory term limits. The Legislature may also enact legislation placing ballot access restrictions on incumbents, including members of the Legislature, seeking reelection to state elected offices. In addition, we believe that the Legislature at least arguably is not precluded from enacting legislation imposing ballot access restrictions on incumbents seeking reelection to the U.S. House of Representatives and Senate. The U. S. Supreme Court has agreed to decide this issue in a case involving ballot access restrictions imposed by the State of Arkansas.

1. Term Limits on State Elected Officials.

"It is quite generally considered that where the constitution lays down specific eligibility requirements for a particular constitutional office the constitutional specification in that regard is exclusive, and the legislature (except where expressly authorized to do so) has no power to require additional or different qualifications for such constitutional office." Labor's Educational and Political Club - Independent v. Danforth, 561 S.W.2d 339, 343 (Mo. 1977). Accord Oklahoma State Election Bd. v. Coats, 610 P.2d 776 (Okla. 1980); Whitney v. Bolin, 85 Ariz 44, 330 P.2d 1003 (1958). See generally Annot., Legislative Power to Prescribe Qualifications for or Conditions of Eligibility to Constitutional Office, 34 A.L.R.2d 155, 171 (1954). See also Annot., Construction and Effect of Constitutional or Statutory Provisions Disqualifying One for Public Office Because of Previous Tenure of Office, 59 A.L.R.2d 716, 720 (1958) ("{W}here the qualifications for office are stated by the constitution, the legislature cannot add to them or change them by statute."); 63A Am. Jur. 2d Public Officers and Employees § 37 (1984) ("The general rule is that where the constitution establishes specific eligibility requirements for a particular constitutional office, the constitutional criteria are exclusive."). The Nebraska Supreme Court has recognized, albeit in dicta, its adherence to this general rule. State ex rel. Quinn v. Marsh, 141 Neb. 436, 439, 3 N.W.2d 892, 894 (1942) ("{I}t appears to be conceded, and it cannot be denied, that where the Constitution creates an office and enumerates the qualifications for eligibility to the office the legislature is without power to impose other conditions of eligibility."); State ex rel. Brazda v. Marsh, 141 Neb. 817, 830-31, 5 N.W.2d 206, 214 (1942) (noting the "rule almost universally recognized" that "when a state Constitution creates an office and names the qualifications of the incumbent, the legislature has no authority to prescribe additional qualifications or to remove any of the requirements provided for by the Constitution,. . . .").

We believe that, in accord with the general rule noted above, the Legislature may not constitutionally impose statutory term limits which would bar incumbent state elected officials from being reelected when the Constitution establishes the eligibility requirements for those offices. In this regard, we note that Neb. Const. art. III, § 8, which establishes the qualifications for persons to serve as legislators, provides, in part, that "{N}o person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election,. . . ." In addition, Neb. Const. art. IV, § 2, provides that "{n}o person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and citizen of this state and a citizen of the United States."[1] As to these offices, or other constitutional offices for which specific eligibility requirements are provided in the Constitution, we do not believe that the Legislature may statutorily enact term limitations which alter the eligibility requirements in the Constitution by creating an absolute bar against election to such offices.

As to those state offices which the Constitution does not establish eligibility requirements for election, however, a different rule applies. "{W}here the constitution creates an office but does not prescribe any specific qualifications for eligibility to it, the legislature has power to prescribe qualifications for such constitutional office, at least where such qualifications are reasonable and do not conflict with those prescribed by the constitution for holding office generally." Annot., 34 A.L.R.2d, supra, at 174. The Nebraska Supreme Court applied this rule in State ex rel. Quinn v. Marsh, in which it held that, because the Constitution contained no provisions establishing eligibility for members of the State Railway Commission, the Legislature was not precluded from enacting a statute establishing a citizenship and minimum age requirement for eligibility to serve on the Commission, as such were found to be reasonable qualifications for service as a

Commissioner. 141 Neb. at 443-48, 3 N.W.2d at 895-98. In State ex rel. Brazda v. Marsh, the Court concluded that, because there was "no constitutional or statutory provision requiring a stated period of residence in this state as a prerequisite to lawful candidacy for the office of secretary of state, none existe{d}. . . ." 141 Neb. at 832, 5 N.W.2d at 214. (emphasis added).

Thus, as to those constitutional offices for which no eligibility requirements are contained in the Constitution, there appears to be no impediment to the Legislature's enactment of reasonable statutory criteria establishing eligibility requirements for election and service. State courts have upheld the validity of state constitutional amendments limiting the terms of state executive and legislative officials against challenges that such violate the First and Fourteenth Amendment of the U.S. Constitution. U.S. Term Limits, Inc. v. Hill, 316 Ark. 251, 872 S.W.2d 349 (1994), cert. granted, June 20, 1994 (No. 94-1456); Legislature of the State of California v. Eu, 54 Cal. 3d 492, 286 Cal. Rptr. 283, 816 P.2d 1309 (1991), cert. denied, ___ U.S. ___, 112 S.Ct. 1292, 117 L.Ed.2d 516 (1992). As noted by the Arkansas Supreme Court in Hill, "{i}ndividual states have limited the terms of their officeholders for decades,. . . ." 316 Ark. at ___, 872 S.W.2d at 359. Addressing the validity of a state constitutional restriction on the ability of an incumbent governor to serve beyond two consecutive terms, the Supreme Court of Appeals of West Virginia stated:

> The universal authority is that restriction upon the succession of incumbents serves a rational public policy and that, while restrictions may deny qualified men an opportunity to serve, as a general rule the over-all health of the body politic is enhanced by limitations on continuous tenure.

State ex rel. Maloney v. McCartney, 223 S.E.2d 607, 611 (W. Va.), appeal dismissed 425 U.S. 946 (1976) (citing Maddox v. Fortson, 226 Ga. 71, 172 S.E.2d 595, cert. denied, 397 U.S. 149 (1970).

The constitutionality of term limits on state elected officials is firmly established. Further, it is evident that the Legislature may establish eligibility requirements for state constitutional offices when the Constitution is silent as to such requirements, provided the requirements are not unreasonable. Therefore, we conclude that as to those constitutional offices for which the Constitution does not establish eligibility requirements, the Legislature may enact statutory term limitations on incumbents as a criteria for eligibility to election.[2]

2. Ballot Access Restrictions on Federal Officeholders.

Your question also requires us to consider whether the Legislature, by statute, may enact the "term limitations" proposed under the failed Initiative with respect to Nebraska's incumbent members of the U.S. House of Representatives and Senate. It is important to note, however, that the Initiative approved by the voters did not impose a limit on the number of terms that incumbents holding these federal offices could serve; rather, the Initiative provided that, after having served a specified number of years in these offices, incumbents could not be listed on the official ballot for reelection.

Two recent decisions have declared unconstitutional state restrictions on ballot access imposed on incumbent U.S. Senators and Representatives in Congress. Thorsted v. Gregoire, 841 F. Supp. 1068 (W.D. Wash. 1994), appeal pending (Washington statute prohibiting ballot listing of incumbent members of U.S. House of Representatives or Senate after serving specified number of years in office); U.S. Term Limits v. Hill, 316 Ark. 251, 872 S.W.2d 349, cert. granted, June 20, 1994 (Arkansas constitutional amendment prohibiting ballot listing of persons elected to specified number of terms in the U.S. House of Representatives or Senate). In each instance, the courts held that the ballot access restrictions on incumbent U.S. Senators and Representatives in Congress imposed additional qualifications for these offices in violation of U.S. Const. art. I, §§ 2 and 3. Thorsted v. Gregoire, 841 F. Supp. at 1081; U.S. Term Limits, Inc. v. Hill, 316 Ark. at ___, 872 S.W.2d at 357 (plurality opinion). The conclusion reached by the plurality opinion in Hill was concurred in by two Justices in separate opinions. Id. at ___, 872 S.W.2d at 361, 363 (Brown, J., and Dudley, J., concurring in part and dissenting in part). Two Justices, writing separately, dissented from the holding that the ballot access requirements imposed on United States Senators and Representatives were unconstitutional. Id. at 367, 368 (Hays, J., and Cracraft, C.J., concurring in part and dissenting in part). Justice Hays was of the opinion that "the United States Constitution does not prohibit additional qualifications for senators and representatives", concluding that the language of the Qualifications Clauses of Article I "indicates the qualifications are to be the minimum requirements rather than the exclusive requirements." Id. at 367. Special Chief Justice Cracraft disagreed with the majority's holding, stating that, in his opinion, the ballot access limitations did not impose additional qualifications on incumbent congressional officeholders, as they did "not impose an absolute bar on incumbent succession." Id. at 368. He further concluded that the ballot access restrictions did not violate the First and Fourteenth Amendment. Id. Review of the Arkansas Supreme Court's decision has been sought and has been granted in the United States Supreme Court.[3]

In spite of these decisions, we believe that a substantial argument may be made that state ballot access restrictions imposed on incumbent members of Congress do not create impermissible additional qualifications for the offices of U.S. Representative and Senator in contravention of U.S. Const. art. I, §§ 2 and 3. Rather, the argument can be made that ballot access restrictions of this nature are permissible under U.S. Const. art. I, § 4, which allows states to prescribe "{t}he Times, Places and Manner of holding Elections for Senators and Representatives,. . . ." See Storer v. Brown, 415 U.S. 724 (1974) (upholding California statute which provided that candidates could not file for office as independents if they had been registered as a member of a political party within one year preceding the primary election); Joyner v. Moffard, 706 F.2d 1523 (9th Cir.), cert. denied, 464 U.S. 1002 (1983) (upholding Arizona constitutional provision which limited incumbents, except in their final year in office, from filing for another office, state or federal).

In Hopfmann v. Connolly, 746 F.2d 97 (1st Cir. 1984), vacated in part on other grounds, 471 U.S. 459 (1985), the court considered whether a party rule that a candidate's name could not appear on the Democratic primary ballot for U.S. Senator unless the candidate received at least fifteen percent of the vote at the party's convention unlawfully added a qualification to the office of U.S. Senator beyond the citizenship, age, and residency requirements of U.S. Const. art. I, § 3. Rejecting this contention, the court stated:

> {T}he 15 percent rule does not add a qualification that precludes Hopfmann from obtaining the office of United States Senator. The rule merely adds a restriction on who may run in the Democratic party primary for statewide political office and potentially become a party nominee. The cases cited by plaintiffs to the effect that neither Congress nor the states can add to the constitutional qualifications for office are inapposite. Cf. Powell v. McCormack, 395 U.S. 486, 547, 89 S.Ct. 1944, 1977, 23 L.Ed.2d 491 (1969).
>
> Unlike the additional requirements involved in the cases cited by plaintiffs, failure to comply with the 15 percent rule does not render a candidate ineligible for the office of United States Senator. An individual is free to run as the candidate of another party, as an independent, or as a write-in candidate. If he is elected and meets the requirements of Article I, Section 3, he will be qualified to take office. As the Wyoming Supreme Court stated in State v. Crane, {65 Wyo. 189} 197 P.2d 864, 871 (Wyo. 1948), the test to determine whether or not the "restriction" amounts to a "qualification" within the meaning of Article I, Section 3, is whether the candidate "could be elected if his name were written in by a sufficient number of electors."

746 F.2d at 102-03 (emphasis added).

In addition to the foregoing authority, the Nebraska Supreme Court's decision in State ex rel. O'Sullivan v. Swanson, 127 Neb. 806, 257 N.W. 255 (1934), supports the argument that ballot access provisions on incumbent federal officeholders do not impose impermissible additional qualifications for such offices. In Swanson, the relator filed under the primary laws as a candidate for Governor and the Secretary of State caused his name to be printed on the ballot as a candidate for that office at the statewide primary. The relator was defeated in the primary, and then sought to have his name placed on the ballot as a candidate nominated by petition for the office of United States Senator. The Secretary of State refused to do so, relying on a state statute providing that "{n}o candidate defeated at the primary election shall be permitted to file by petition in the general election next following." Id. at 807-08, 257 N.W. at 255. Relator challenged the validity of the statute as violative of U.S. Const. art. I, §§ 3 and 4. Rejecting this contention, the court stated: "Relator has all the qualifications for the office of senator. The state statute in no manner seeks to add other qualifications. It does not prevent him from being a candidate. It is not unconstitutional, as clearly appears from the decisions of the supreme court of the United States." Id. at 810, 257 N.W. at 256.

The constitutionality of state ballot access restrictions or actual "term limits" on incumbent members of the House of Representatives or Senate has not been definitively decided to date. Only the United States Supreme Court can provide a final answer to the question of the validity of such measures, and the Court, on June 20, 1994 agreed to consider the issue. While recognizing that some courts from other jurisdictions have found such provisions unconstitutional, we do not believe that the question is so clear that we would decline to defend a legislative enactment placing into statute ballot access restrictions similar to those contained in the Initiative Measure struck by the court in Duggan v. Beermann. We defended the constitutionality of these provisions in that case, and would defend the validity of any similar legislative enactment.

3. Conclusion.

In sum, we conclude that, with respect to state constitutional offices for which the Constitution does not establish specific eligibility requirements, the Legislature may enact statutes providing term limitations, provided such are construed as reasonable. As to those state offices for which the Constitution establishes specific eligibility requirements, the Legislature may not by statute enact term limit requirements. Such requirements would require a state constitutional amendment. The Legislature may also enact legislation placing ballot access restrictions on incumbents seeking reelection to state offices. Finally, while the power of the Legislature to impose ballot access restrictions on incumbent members of the U.S. House of Representatives and the Senate is not completely clear, we would defend any legislative enactment imposing such restrictions against constitutional challenge.

[1] A specific limitation on the eligibility of an incumbent Governor to serve after having been elected to two terms is, of course, provided by Neb. Const. art. IV, § 1 ("The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he was elected."). No similar restriction, however, is placed on the office of Lieutenant Governor. The Constitution also provides that the State Treasurer "shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected." Neb. Const. art. IV, § 3.

[2] As discussed in part 2. of this opinion, infra, this does not necessarily mean that the Legislature may not enact legislation limiting ballot access to incumbent state officials seeking reelection after serving a specified number of terms. As noted below, a substantial argument can be made that ballot access restrictions imposed on incumbent officeholders do not add to or impose additional qualifications for office, but, rather, may be viewed as a legitimate regulation of the manner of conducting elections. The relevant

distinction is between a statute making a person ineligible to be elected to an office, as opposed to legislation establishing the ability of a person seeking election to be listed on the official ballot as a candidate for the office. While the Legislature cannot constitutionally enact laws which absolutely bar certain incumbent state officials from reelection, it may be able to impose statutory ballot access restrictions on incumbents seeking reelection to state offices that have served a specified number of years or terms.

[3] In addition, the Nevada Supreme Court issued a writ of mandamus ordering the Nevada Secretary of State to remove from the ballot a proposed term limitation on Congressional members, relying, in part, on the unconstitutionality of such limits as violative of U.S. Const. art. I, §§ 2 and 3. Stumpf v. Lau, 839 P.2d 120 (Nev. 1992).

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-880-7.29
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 94047

DATE: June 21, 1994

SUBJECT: School Physical Examinations and Immunizations

REQUESTED BY: Mark B. Horton, M.D., M.S.P.H.
Director of Health

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion on three questions concerning the school physical examinations and immunizations required by Neb. Rev. Stat. §§ 79-444 through 79-444.07 (1987, Supp. 1993 and 1994 Neb. Laws LB 1223). Those questions are as follows:

1. Is a physician assistant, nurse practitioner, or a chiropractor a "qualified physician" for purposes of Neb. Rev. Stat. § 79-444?
2. If the physician assistant or nurse practitioner is not a "qualified physician" can he or she do the physical examination as the agent of the physician and sign the report to the board as an agent of the physician? If not, can the physician assistant or nurse practitioner perform the physical examination if the physician signs the report?

3. May a physician assistant, nurse practitioner, or a chiropractor sign a statement that in his or her opinion the immunizations required before a student can be admitted to school would be injurious to the student or to a member of the student's family or household for purposes of Neb. Rev. Stat. § 79-444.06? May a physician assistant or nurse practitioner make the diagnosis and sign the statement as the agent of the physician? If not, can the physician assistant or nurse practitioner perform the diagnosis if the physician signs the statement?

We conclude that the term "qualified physician" as it appears in Neb. Rev. Stat. § 79-444 does not include a physician assistant, nurse practitioner, or chiropractor. We also conclude that the statement regarding immunizations referred to in § 79-44.06 must be signed by a physician rather than another health care provider. A physician assistant or nurse practitioner may be authorized to perform medical services which comprise a school physical examination and may be authorized to make an initial diagnosis regarding immunizations under the supervision of a physician. Their roles also depend on the written practice agreement or application for supervision of a physician assistant which has been filed with the Department. However, the final determinations are statutorily required to be made by a physician.

I. Qualified Physician

Neb. Rev. Stat. § 79-444 provides that the board of education of any school district "shall require evidence of a physical examination by a qualified physician within six months prior to the entrance of a child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade of the local school, except that no such physical examination shall be required of any child whose parent or guardian objects in writing." (Supp. 1993). We find that the answer to your first question depends not on the scope of practice defined for a physician assistant, nurse practitioner or chiropractor, but rather on the specific language of § 79-444 which requires that this particular physical examination be performed by a qualified physician.

The term physician is not defined within Chapter 79 of the Nebraska Revised Statutes. However, the term physician is defined or described throughout other Nebraska statutes as an individual licensed to practice medicine and surgery. You are referred to, for example, Neb. Rev. Stat. § 20-403 (Supp. 1993) which separately defines "physician" and "health care provider"; § 44-2804 (1988) which defines physician as a person licensed to engage in the unlimited practice of medicine and surgery or licensed to practice osteopathic medicine and surgery; § 71-5502 (Supp. 1993) which separately defines "physician" and "approved physician surrogate"; and § 71-6813 (1990) which defines physician as a person licensed to practice medicine and surgery.

The legislature has not used the term physician so as to encompass these three health care providers. Instead, the legislature has distinguished between physicians and chiropractors in Neb. Rev. Stat. §§ 71-177 and 71-178 (1990). The legislature has chosen to define a physician assistant as a person who is approved to perform medical services under the supervision of a physician. Neb. Rev. Stat. § 71-1,107.16(4) (Supp. 1993). A nurse practitioner may perform medical functions only under the supervision of the physician or other licensed practitioner with whom he or she is associated. Neb. Rev. Stat. § 71-1721.03 (1990).

We also note a prior opinion of this office which stated that the term "qualified physician" did not include a physician assistant for purposes of Neb. Rev. Stat. § 81-8,133.01 (1976). 1979-1980 Rep. Att'y Gen. 265 (Opinion No. 184, dated December 26, 1979).

Under Nebraska law, where the words of a statute are plain and unambiguous, no interpretation is needed to ascertain their meaning. In the absence of anything to indicate the contrary, words will be given their ordinary meaning. Kellogg Co. v. Herrington, 216 Neb. 138, 343 N.W.2d 326 (1984). As stated by the Nebraska Supreme Court, "{R}ecognition that legislators typically vote on the language of a bill generally requires this court to assume that the legislative purpose is expressed by the ordinary meaning of the words used." Lawson v. Ford Motor Co., 225 Neb. 725, 727, 408 N.W.2d 256, 258 (1987). We believe the legislature intended, as indicated by the plain language of § 79-444, that only physical examinations by duly licensed physicians may be accepted by a board of education.

II. Role of Physician Assistants and Nurse Practitioners

Your next question is whether a physician assistant or nurse practitioner may perform the required physical examination as an agent of a physician. We conclude that the role of the physician assistant or nurse practitioner in the performance of the "school physical" is governed both by statute and by the written application for approval or written practice agreement in each case.

The laws governing physician assistants are found at Neb. Rev. Stat. §§ 71-1,107.15 through 71-1,107.30. Section 71-1,107.17 provides that a physician assistant may perform medical services under the supervision of a licensed physician in the specialty areas for which the physician assistant is trained or experienced. Thus, by statute, a physician assistant may not engage in an independent practice, but may perform medical services under the supervision and direction of a physician.

A physician who wishes to supervise a physician assistant must file an application with the Department of Health which describes the physician's practice and the way in which the physician assistant will be utilized. § 71-1,107.20. Therefore, in our opinion, the role of the physician assistant in the performance of a "school physical" will also depend upon the language of the application approved by the Board of Examiners in Medicine and Surgery. Within those limits, a physician assistant is authorized to perform medical services which comprise the "school physical." Because § 79-444 requires a physical examination by a physician, it is our opinion that the physician should make any final determinations and should sign the report which will be presented as evidence to the school.

Similarly, a nurse practitioner's authorization to perform the medical services encompassed by a "school physical" depends in part upon the written practice agreement authored and signed by the nurse practitioner and associated physician and approved by the appropriate boards. That agreement is required to describe the agreed-upon medical functions which the nurse practitioner may perform. Neb. Rev. Stat. §§ 71-1716.03 and 71-1721.01 (1990).

The medical services described in the practice agreement must, of course, fall within the scope of practice of a nurse practitioner which is defined in Neb. Rev. Stat. § 71-1721 (1990) and must be performed under the supervision of the physician named in the practice agreement. Neb. Rev. Stat. § 71-1721.03 (1990). Again, as § 79-444 requires a physical examination by a physician, the supervising physician should make the final determinations and sign the report.

III. Reports Regarding Immunizations

Your third question is whether a chiropractor, physician assistant, or nurse practitioner may make the diagnosis that certain immunizations may be injurious to a student and may sign a statement to that effect to be submitted to the school's admitting official in compliance with Neb. Rev. Stat. § 79-444.06 (Supp. 1993). We first note that § 79-444.06 has an operative date of July 1, 1994. Prior to that date, it has been sufficient for the student's parent or guardian to present a written statement that he or she does not wish to have the student immunized. We conclude that the new statute requires a statement signed by a physician which reports that physician's opinion (or an affidavit stating that immunization would conflict with religious beliefs).

As in our answer to question one, we are not providing an opinion as to whether these three health care providers are competent to make such a diagnosis or whether making such a diagnosis falls within the scope of practice of these health care providers. Rather, in our opinion, the answer to your question is found within § 79-444.06. The legislature has provided certain alternatives to the general requirement of student immunization, but those alternatives must meet statutory requirements. Here, the legislature has specifically required a statement signed by a physician which states that physician's opinion.

You also ask whether a physician assistant or nurse practitioner may make the diagnosis that certain immunizations would be injurious to the health of the student or any member of the student's household. As previously discussed, both a physician assistant and nurse practitioner may perform medical services under the supervision and direction of a physician. It appears to us that physician assistants and nurse practitioners would be authorized to convey their findings and impressions to a supervising physician. However, although the physician's opinion may very well be based upon the services performed by a physician assistant or nurse practitioner, the statute in question requires a statement of the physician's opinion and we believe that it is the physician who must make the final diagnosis and sign the required statement.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

9-206-6.22

Opinion No. 94048

DATE: June 24, 1994

SUBJECT: Enforcement of Nebraska Criminal Laws Restricting Gambling Against Activities on Riverboats Conducting Casino Gambling on the Missouri River Under Iowa Law.

REQUESTED BY: The Honorable E. Benjamin Nelson, Governor

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

Recently, voters in Pottawattamie County, Iowa, approved, pursuant to Iowa law, the operation of riverboats conducting casino gambling on the Missouri River. In light of this approval, you have asked our opinion regarding what authority the State of Nebraska has to enforce its criminal laws restricting gambling activities against the conduct of riverboat gambling authorized under Iowa law "on those portions of the Missouri River which are under Nebraska jurisdiction." You also ask "what federal or state departments or agencies have been vested with the authority to enforce Nebraska jurisdiction and laws on the Missouri River?"

I. The Nebraska-Iowa Boundary Line.

The Congressional Act admitting Nebraska to statehood in 1864 established the eastern boundary of Nebraska as "the middle of the channel" of the Missouri River. 13 Stat. c. 59, § 2. An earlier act of Congress established the western boundary of the State of Iowa as "the middle of the main channel" of the Missouri River. 9 Stat. c. 82. The original congressional act admitting Iowa to statehood provided that Iowa "shall have concurrent jurisdiction on the river Mississippi, and every other river bordering" the State of Iowa, if the rivers "shall form a common boundary" with Iowa "and any other state or states now or hereafter to be formed or bounded by the same; such rivers to be common to both." 5 Stat. c. 48, § 3. In 1892, the United States Supreme Court, in an action brought by Nebraska against Iowa, held that the boundary line in the Missouri River at Carter Lake, Iowa, was to be located based on application of the principle that the boundary "is a varying line" so far as affected by "changes of diminution and accretion in the mere washing of the waters of the stream," but not where the river is shifted by avulsion. In the case of avulsion, the Court stated that "{b}y this selection of a new channel the boundary was not changed, and it remained as it was prior to the avulsion, the center line of the old channel;. . . . unless the waters of the river returned to their former bed, {such center line} became a fixed and unvarying boundary, no matter what might be the changes of the river in its new channel." Nebraska v. Iowa, 143 U.S. 359, 370 (1892). The Court, referring to the change of course of the channel of the river, leaving the Iowa community of Carter Lake on the western side of the Missouri, stated "that in 1877, the river above Omaha, which had pursued a course in the nature of an ox-bow, suddenly cut through the neck of the bow and made for itself a new channel." Id. Finding that this change in course of the Missouri came within the "law of avulsion", the Court found that the boundary between the states remained the center line of the old channel.

In 1943, the State of Nebraska and Iowa agreed by compact to a permanent location of the boundary line "by adopt{ing} {the} line at Carter Lake, and for the rest of the boundary line fix{ing} the line 'in the middle of the main channel of the Missouri River', defined as the 'center line of the proposed stabilized channel of the Missouri River as established by the United States engineers' office, Omaha, Nebraska,. . . ." Nebraska v. Iowa, 406 U.S. 117, 119-20 (1972); Iowa-Nebraska Boundary Compact of 1943; 57 Stat. 494. Thus, with respect to your particular question concerning the Nebraska-Iowa boundary in relation to Pottawattamie County, Iowa, the boundary line is generally the middle of the main channel of the Missouri River, except the boundary line does extend west of the current river channel into Carter Lake, Iowa.[1]

II. Nebraska's Authority to Enforce its Criminal Laws Against Offenses Committed Within Its Boundaries.

The general rule regarding the authority of a state to enforce its criminal laws against offenses on rivers forming state boundaries is stated in 22 C.J.S. Criminal Law § 163 (1989) as follows:

> Unless the boundaries are otherwise legally fixed, the center of the navigable channel of a river separating two states determines the territorial jurisdiction of crimes committed on the river waters, except where by constitutional provision, by act of Congress, or by compact between both states are given concurrent jurisdiction over the waters.

In Miller v. McLaughlin, 118 Neb. 174, 224 N.W. 18 (1929), aff'd 281 U.S. 261 (1930), the Nebraska Supreme Court considered whether Nebraska could be enjoined from enforcing a statute making it unlawful to take fish from waters of the State of Nebraska with nets, traps, or seines. Miller, a Nebraska resident, asserted that Nebraska could not prevent him from possessing and using such equipment on the west side of the Missouri river, within Nebraska's boundary, because Iowa permitted the ownership and use of such fishing equipment. Miller contended that, as Congress had granted Nebraska and Iowa "concurrent jurisdiction" over the river, Nebraska could not enforce its law on Missouri River waters in Nebraska between the middle of the main channel to the Nebraska bank. 118 Neb. at 176-77, 224 N.W. at 19-20. Rejecting this contention, the Nebraska Supreme Court stated:

> The jurisdiction of Nebraska is not limited to the western bank of the river, unless the restriction is imposed by the words 'shall have concurrent jurisdiction' as they appear in {5 Stat. c. 48, § 3}. The meaning of the expression has been the subject of judicial discussion and some diversity of opinion. The better view seems to be that those words do not prevent one state from exercising generally civil and criminal jurisdiction over that part of the river within her own boundaries. The power to make treaties has been committed to the federal government and not to individual states. One state cannot require another to unite in treaties, laws, contracts, or compacts. If Iowa and Nebraska, with a common boundary in the Missouri river, do not agree on public policy or on methods of exercising concurrent jurisdiction granted by Congress, the river is not for that reason a zone without police protection, where offenses known to criminal law may be committed with impunity. The exigency of preserving order along the border does not necessarily await the concurrent action of two states. Their interests may conflict and they may never agree. The concurrent jurisdiction authorized by Congress is not 'over' or 'in' the river, but 'on' the river. Each state, as to river waters within her own boundaries, has rights and powers not committed to the adjoining state.

118 Neb. at 177-78, 224 N.W. at 20.

The United States Supreme Court affirmed the decision of the Nebraska Supreme Court. 281 U.S. at 264. The Court noted that "{t}he grant of concurrent jurisdiction {did} not deprive Nebraska of power to legislate with respect to its own residents within its own territorial limits." Id. at 263. It further stated:

> While the two states have not concurred in this legislation, there is no conflict between them. Each has legislated only as to that part of the river which is within its own territorial limits. It is unnecessary to consider questions which might arise if Nebraska undertook to prohibit the fishing on Iowa's part of the river, or if Miller were a citizen of Iowa and fished under an Iowa license.

Id.

The decision in Miller v. McLaughlin confirms that Nebraska may enforce its laws as to activities conducted within its boundaries. The states retain exclusive authority and control up to their respective boundaries, free from interference by the other. Smith v. State, 64 Wash. 2d 323, 391 P.2d 718 (1964); Smoot v. Fischer, 248 S.W.2d 38 (Mo. Ct. App. 1952). Nebraska does not, of course, have jurisdiction to enforce its laws against acts done by express license of Iowa within the boundaries of the State of Iowa. Nielsen v. Oregon, 212 U.S. 383 (1909). While it could be argued that Miller is distinguishable to the extent Nebraska may seek to enforce its laws against non-Nebraska citizens or residents, we do not believe this distinction is significant.

Nebraska can certainly enforce its criminal laws against non-citizens or non-residents who commit crimes within its borders. Thus, we conclude that Nebraska has jurisdiction to enforce its criminal laws restricting gambling activities within its boundaries.

III. Authorities Responsible for Enforcement of Nebraska Law,

While your question is not specific, we assume your principal concern is the enforcement of Nebraska criminal statutes prohibiting certain gambling activities. See Neb. Rev. Stat. §§ 28-1101 to 1117 (1989, Cum. Supp. 1992, and Supp. 1993). Enforcement of these criminal statutes would be undertaken in the same manner as Nebraska criminal laws are generally enforced, primarily through the respective county sheriffs, and, if criminal prosecutions are instituted, through the appropriate county attorney. The boundaries of Nebraska counties bordering the Missouri river extend "to the eastern boundary line of the State of Nebraska as established by the Iowa-Nebraska Boundary Compact of 1943;. . . ." See Neb. Rev. Stat. § 22-128 (1991) (Douglas County); § 22-177 (Sarpy County); § 22-189 (Washington County). Neb. Rev. Stat. § 29-1301 (1989) generally provides that criminal actions must be brought in the county in which the offense is committed. Neb. Rev. Stat. § 29-1301.02 (1989) provides that venue for criminal offenses "committed in this state, on board a vessel navigating a river. . . may be tried in any county through, on, or over which the vessel. . . passes in the course of its voyage or trip, or in which the voyage or trip terminates." Thus, enforcement of Nebraska criminal statutes involving illegal gambling within the state's borders would be the responsibility of those persons generally responsible for the enforcement of Nebraska's criminal laws.

[1] It is our understanding that the boundary line established by the 1943 compact, referencing the "middle of the main channel", does not equate, at all points on the river, to the actual stabilized channel. Nebraska nevertheless recognizes the line established by the location of the proposed main channel set forth by the 1943 boundary as the boundary line between the states, to the extent this line differs from the actual course of the river following efforts to stabilize the channel.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-889-7.29

Opinion No. 94049

DATE: June 24, 1994

SUBJECT: Constitutionality of Open Burning Ban As Applied to Ceremonial Sweat Lodge Fires

REQUESTED BY:	Michael R. Durst State Fire Marshal
WRITTEN BY:	Don Stenberg, Attorney General Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning the applicability of Nebraska's statewide open burning ban to "an open fire which heats stones for an Indian ceremonial sweat lodge."

Question Presented

Whether Neb. Rev. Stat. § 81-520.01 may be applied, under the Free Exercise Clause of the First Amendment or other applicable law, to prohibit open fires used to heat stones for Native American sweat lodges.

Discussion

Nebraska law provides for a "statewide open burning ban on all bonfires, outdoor rubbish fires and fires for the purpose of clearing land." Neb. Rev. Stat. § 81-520.01 (1994 Neb. Laws LB 408, § 1). The statute provides that the "fire chief of a local fire department or his or her designee may waive an open burning ban . . . for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning." § 81-520.01(2). The statute further provides that the "fire chief of a local fire department or his or her designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the chief or his or her designee." §81-520.01(3).

Since Neb. Rev. Stat. § 81-520.01 provides that "{t}here shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land." (emphasis added), a sweat lodge fire must, therefore, be a "bonfire" in order to come under the open burning ban.

Definition of Bonfire

The open burning ban statute contains no definition of the word "bonfire." Webster's Encyclopedic Unabridged Dictionary of the English Language (1989 ed.) defines "bonfire" as "1. a large fire in the open air, for warmth, entertainment, or celebration, to burn leaves, garbage, etc., or as a signal. 2. any fire built in the open." (Emphasis added). Webster's Third New International Dictionary (1981 ed.) defines "bonfire" as "1. a large public fire in which bones or bones and wood were traditionally burned," "a funeral pyre," "a fire in which heretics or officially proscribed articles . . . were publicly burned," "2. a great open-air fire kindled to mark a religious anniversary . . . or to highlight some public event," "3. an open-air fire in which waste paper, leaves, brush, or other rubbish is burned." (Emphasis added).

Two legislative bills formed what was codified as Neb. Rev. Stat. § 81-520.01 prior to its amendment in 1994. On January 31, 1980, Senator Hefner introduced LB 810, which gave the State Fire Marshall the authority to prohibit bonfires, outdoor rubbish fires, and fire for clearing land by issuing a statewide or regional ban when atmospheric or local conditions made such fires dangerous. In his testimony before the committee, Fire Marshall Barnett was asked by Senator Merz for an explanation of "open burning," to which Mr. Barnett replied,

> Well, I don't know if I have a definition, I know what it is, but I wouldn't know how to define it. Open burning is where it's not involved with an incinerator containment. Open burning could be a bonfire, it could be classified as trash fire, ditches. . . .

Committee Records on LB 810, 86th Neb. Leg., 2nd Sess. p.5 (January 30, 1980).

On February 11, 1982, LB 790 was introduced to create a statewide ban on opening burning and leave it to local fire districts to waive the ban at their discretion. It was seen as a needed modification of the system enacted with the passage of LB 810. During questioning before the Government, Military and Veteran's Affairs Committee, the following exchange took place between Senator Goll and Fire Marshall Wally Barnett:

> SENATOR GOLL: For my information, would you tell me what an outdoor rubbish fire, what makes that up?
>
> WALLY BARNETT: It could be stump clearing. It could be land clearing. It could be any type of burning, you clean out maybe three or four barns and you clean up some land around the house and stuff like that.
>
> SENATOR GOLL: What about burning leaves in the fall?
>
> WALLY BARNETT: It would be the same thing, be the same thing. But usually a leaf burning situation is nothing as serious as your open land or your rubbish burning that they have.

Committee Records on LB 790, 87th Neb. Leg., 2nd Sess. p.9, (Feb. 11, 1982).

With the above testimony and definitions in mind, it is necessary to examine the nature of sweat lodge fires. The Handbook of American Indians North of Mexico, Part 2, Frederick Webb Hodge ed. (1912) at 660-661, describes the traditional sweat lodge fire in this way:

> Few practices were so nearly universal among the Indians as the sweat-bath, probably known to every tribe N. of Mexico, although along the N.W. coast of S. of the Eskimo territory it seems to have been superseded by bathing in the sea. The sweat-lodge is to this day common in most Indian villages and camps.
>
> The type of the ordinary sweat-house seems to have been everywhere the same. Willow rods or other pliant stems were stuck into the ground and bent and fastened with withes into a hemispherical or oblong framework, which generally was large enough to accommodate several persons. A hole was dug conveniently near the door into which stones, usually heated outside, were dropped by means of forked sticks. These were sprinkled with water to generate steam. A temporary covering of blankets or skins made the inclosure tight. This was the sweat-house in its simplest form. The Delawares of Pennsylvania, according to Loskiel (Hist. Miss. United Breth,, pt. 1, 108-9, 1794) in the 18th century had "in

> every town an oven, situated at some distance from the dwellings, built either of stakes and boards covered with sods, or dug in the side of a hill and heated with some red-hot stones."

See also Handbook of North American Indians, Volume 11, Warran D'Azevedo ed. (1986) at 350 ("A sweat house was heated with rocks carried from a fire outside.").

Based on the above definitions and descriptions, we conclude that a Native American sweat lodge fire is a "bonfire" for purposes of Neb. Rev. Stat. § 81-520.01. Consequently, it is necessary to examine whether § 81-520.01 may be applied to prohibit sweat lodge fires.

The Free Exercise Clause

The refusal of local fire authorities to allow open sweat lodge fires, pursuant to Neb. Rev. Stat. § 81-520.01, would clearly implicate the Free Exercise Clause of the First Amendment. The First Amendment prohibits government from making any law "prohibiting the free exercise" of religion. U.S. Const. Amend. I. The Free Exercise Clause, like the Establishment Clause, applies not only to the federal government but also to the states and their political subdivisions via the Fourteenth Amendment.

Free Exercise Clause analysis was performed, until recently, under a test derived from Wisconsin v. Yoder, 406 U.S. 205 (1972). The test which emerged from Yoder includes the following elements: (1) the nature of the belief or conduct motivated by the belief, (2) the nature of the burden imposed by the state regulation on the exercise of such belief or conduct, (3) the nature of the interest that is promoted by the regulation, and (4) the nature of the harm to the state's interest if the asserted free exercise claim is allowed. Id. at 215-21.

Under the Yoder test, if a state statute or regulation is to survive a challenge that it interferes with the exercise of a legitimate religious belief, the state must show either (1) that the statute or regulation does not deny the free exercise of religious belief, or (2) that the state's interest is sufficiently compelling to override the claimed religious interest. Id. at 214.

In Employment Division v. Smith, 494 U.S. 872 (1990), the U.S. Supreme Court drastically altered the landscape of free exercise jurisprudence. In Smith, two members of the Native American Church were denied unemployment benefits after being fired from their jobs as drug counselors because they used the illegal drug peyote during a church ceremony. The church members claimed that the denial of unemployment benefits was an unconstitutional burden on the free exercise of their religion. Smith, 494 U.S. at 874-76. The Oregon Supreme Court said it could not, under the first amendment, prohibit the use of peyote during a religious ceremony or withhold unemployment benefits from those who were fired for doing so. See Smith v. Employment Division, 763 P.2d 146 (Ore. 1988); Michael v. McConnell, Free Exercise Revisionism and the Smith Decision, 57 U. Chi. L. Rev. 1109, 1110 (1990). The United States Supreme Court, however, reversed the Oregon court and thereby rejected the application of the compelling interest test for most first amendment free exercise challenges.

The critical language in Smith is found in the Court's reference to laws that are "neutral" and "generally applicable."

> {I}f prohibiting the exercise of religion . . . is not the object of the {law} but merely the incidental effect of a generally applicable and otherwise valid provision, the First Amendment has not been offended. . . . We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the state is free to regulate.

Smith, 494 U.S. at 878-79.

The Court, in Smith, found that the Oregon statute was not specifically directed at religious practice (i.e. the law was "neutral") and was deemed constitutional as generally applied to others who used peyote for nonreligious purposes (i.e. the law was "generally applicable"). Id. at 878. The plaintiffs contended that it was impermissible to require an individual to observe a generally applicable law that requires or forbids him to perform an act that his religion forbids or compels. Id. The Court, however, disagreed, citing decisions that "have consistently held that the right of free exercise does not relieve an individual of the obligation to comply with a 'valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes)' ". Id. at 879, citing U.S. v. Lee, 455 U.S. 252, 263 n.3 (1982) (Stevens, J., concurring).

The Smith Court said it would not apply the compelling interest test announced in Sherbert v. Verner, 374 U.S. 398 (1963), to require exemption from a generally applicable criminal law, and declared that the compelling interest test for infringement on religiously motivated conduct had "nothing to do" with "across-the-board criminal prohibition on a particular form of conduct." Smith, 494 U.S. at 884.

The court's decision in Smith was recently revisited in Church of the Lukumi Babalu Aye v. City of Hialeah, 113 S.Ct. 2217 (1993). In Hialeah, certain city ordinances directed to prohibit the religious sacrifice of animals by members of the Santeria religion were declared to be invalid on free exercise grounds. Following its earlier decision in Smith, the court declared that "a law that is neutral and of general applicability need not be justified by a compelling government interest even if the law has the incidental effect of burdening a particular religious practice. Id. at 2226. The court found that the Hialeah ordinances failed to satisfy the Smith requirements, were therefore subject to strict scrutiny, and held to be unconstitutional. Id. A law that fails to satisfy the Smith requirements of neutrality and general applicability, said the Court, may only be "justified by a compelling government interest and must be narrowly tailored to advance that interest. Id. Under Hialeah, a law must be both neutral and generally applicable to escape free exercise strict scrutiny analysis, because "{n}eutrality and general applicability are interrelated, and . . . failure to satisfy one requirement is a likely indication that the other has not been satisfied. Id. Hialeah seems to define a law as "neutral" if it does not specifically target a religious belief or practice for distinctive treatment, officially disapprove of a particular religion or religion in general, or discriminate against some or all religious beliefs, regulate or prohibit conduct, solely because of belief or conduct is religiously motivated. Id. at 2226-27.

"General applicability" seems to be violated if society appears by law to impose restrictions on some which it is unwilling to require on all. Id. at 2233. In other words, a law cannot be "selective", by imposing burdens on religiously motivated conduct, but not on the same conduct which is not religiously motivated. See, id. at 2232. A law burdening religious practice that is not neutral or not of general application must undergo the "most rigorous of scrutiny", and will survive such scrutiny only rarely. Id. at 2233. Strict scrutiny in that instance "really means what it says." Id.

Under Smith and Hialeah, Neb. Rev. Stat. § 81-520.01 appears to be a neutral and generally applicable law, to which criminal penalties are attached. (Violation of Neb. Rev. Stat. § 81-520.01 is a Class IV misdemeanor). Neb. Rev. Stat. § 81-520.02 (1994 Neb. Laws LB 408, § 2). Under Smith and Hialeah, if a law burdens the free exercise of religion, it may be subject to a strict scrutiny or compelling interest analysis in only three instances: (1) if the law is not "neutral", (2) if the law is not "generally applicable," or (3) if the free exercise interest involved is also contained with another constitutional interest such as freedom of speech, freedom of the press, the right of parents to direct the upbringing of their children or freedom of association. Smith, 494 U.S. at 881-82.

In Alabama and Coushatta Tribes of Texas v. Big Sandy School District, 817 F.Supp. 1319 (E.D.Tex. 1993), the free exercise challenge of Native American students to a public school hair code was combined with both a free speech claim and a parental rights claim. The Court in Big Sandy concluded that since the Native American students had established a substantial likelihood of success on the merits of their case, they were entitled to a preliminary injunction against enforcement of the hair regulation. Id. at 1336. As applied to Indian sweat lodge fires, it is arguable that free speech and association claims are also implicated, which would remove the open burning ban from Smith and trigger a strict scrutiny analysis of the statute under the Smith "hybrid" exception. See also, Richard F. Duncan, Who Wants to Stop the Church: Homosexual Rights Legislation, Public Policy, and Religious Freedom, 69 Notre Dame L. Rev. 393, 431 (1994).

The Religious Freedom Restoration Act

In light of the virtual emasculation of the Free Exercise Clause by the Supreme Court, the most important consideration in determining whether Neb. Rev. Stat. § 81-520.01 may be used to prohibit sweat lodge fires is a new federal statute. On November 16, 1993, President Clinton signed the Religious Freedom Restoration Act of 1993 (RFRA). 42 U.S.C. § 2000bb to 2000bb-4 (Supp. 1994). It was enacted in direct response to the Court's decision in Smith, and it seeks to "restore the compelling interest test set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where the free exercise of religion is substantially burdened. RFRA, 42 U.S.C. § 2000bb(b) (Supp. 1994).

Specifically, the statute requires that government "shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, and the government may only do so "if it demonstrates that the application of the burden to the person (1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling government interest." RFRA, 42 U.S.C. § 2000bb-1(a),(b).

RFRA is expressly intended to legislatively "overrule" the Smith decision. Professor Douglas Laycock notes that RFRA was "an effort {on the part of Congress} to enact the theory that free exercise of religion is a substantive civil liberty", and "an attempt to create a statutory right to the free exercise of religion, pursuant to Congress' power under Section 5 of the Fourteenth Amendment to enforce the Fourteenth Amendment and therefore presumably to enforce all the rights incorporated in the Fourteenth Amendment. Douglas Laycock, Free Exercise and the Religious Freedom Restoration Act, 62 Fordham L. Rev. 883, 895 (1994). In contrast, the Court in Smith has adopted a "non-discrimination, formal-equal-treatment view of religious liberty. Id. at 896.

It remains to be seen how the U.S. Supreme Court will respond to free exercise challenges under RFRA. It also remains to be seen under RFRA how the Court will interpret what kind of burden on the free exercise of religion will be "substantial" enough to require a compelling interest justification.

A handful of lower courts have addressed free exercise challenges under RFRA, and none have overruled the Act or challenged its validity. See Rust v. Clarke, ___ F.Supp. ___, 1994 WL 157662 (D.Neb. 1994) (prison inmate at Nebraska State Penitentiary); Lawson v. Dugger, 844 F.Supp. 1538 (S.D.Fla. 1994) (prison inmate); Allah v. Menei, 844 F.Supp. 1056 (E.D.Pa. 1994) (prison inmate); Western Presbyterian Church v. Board of Zoning Adjustment, ___ F.Supp. ___, 1994 WL 145033 (D.D.C. 1994) (Zoning); Campos v. Coughlin, ___ F.Supp. ___, No. 94 Civ. 1057(SS) (S.D.N.Y. 1994) (prison inmate); In Re Faulkner, 165 B.R. 644 (Bankr. W.D. Mo. 1994) (bankruptcy); Rodriguez v. Couglin, 1994 WL 174298 (S.D.N.Y. 1994) (prison inmate); Scarpino v. Grosshiem, ___ F.Supp. ___, 1994 WL 200781 (S.D. Iowa 1994).

In Canedy v. Boardman, 16 F.3d 183 (7th Cir. 1994), the court stated in a footnote,

> While a religion-based allegation does not appear in his complaint, in Canedy's brief he asserts that having his naked body exposed to female guards particularly burdens him because he is a Muslim, and Islam has a very strong nudity taboo. He therefore indicates that he may seek to amend his complaint to assert a violation of his rights under the free exercise clause of the First

> Amendment. We note that until recently, such a complaint would appear to challenge a religiously "neutral, generally applicable" practice, and therefore be doomed to fail under Employment Division v. Smith, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990). But the President recently signed into law the Religious Freedom Restoration Act (RFRA), Pub.L. No. 103-141, 107 Stat. 1488 (1993). That legislation purports to reverse Smith, declaring that "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability," unless it "is in the furtherance of a compelling government interest" and "is the least restrictive means of furthering that compelling interest." {42 U.S.C. § 2000bb-1(a), (b) (Supp. 1994). The constitutionality of this legislation-surely not before us here-raises a number of questions involving the extent of Congress's powers under Section 5 of the Fourteenth Amendment.

Canedy, 16 F.3d at 187 n.2.

Conclusion

We conclude the application of Neb. Rev. Stat. § 81-520.01 to Native American sweat lodge fires must be analyzed under the compelling interest standard announced in the Religious Freedom Restoration Act of 1993. One court, for example, stated in Lawson v. Dugger, 844 F.Supp. 1538, 1542 (S.D. Fla. 1994): "In the absence of a constitutional challenge to the Act, this Court finds no legitimate reason to not apply RFRA to this case." RFRA, by its very terms, "applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act." RFRA, 42 U.S.C. § 2000bb-3 (Supp. 1994) (emphasis added).

The compelling interest inquiry under RFRA consists of two parts: (1) whether Neb. Rev. Stat. § 81-520.01 as applied to prohibit Indian sweat lodge fires, even under adverse atmospheric conditions, is in furtherance of a compelling government interest, and (2) whether it is the least restrictive means of furthering that compelling government interest. RFRA, 42 U.S.C. § 2000bb-1(b) (Supp. 1994). RFRA should also be read in conjunction with Wisconsin v. Yoder, 406 U.S. 205 (1972), and the four-part balancing test announced there, and approved in RFRA.

The Indian sweat lodge ceremony is obviously motivated by a sincerely held religious belief. The sweat lodge ceremony is central to the religion of the plains Indians, and it has been observed for many years. In Indian Inmates of Nebraska Penitentiary v. Gunter, 660 F.Supp. 394 (1987), aff'd by Sapa Najin v. Gunter, 857 F.2d 463 (1988), the Court, per Urbom, J., gave the following description of the sweat lodge ceremony, as it is celebrated by the plains Indians.

> The Sioux people are divided linguistically into the Dakota, Nakota and Lakota, and politically into the seven tribal fires. The sun dance, vision quest, and sweat lodge are among the seven sacred rites common to the Dakota, Nakota, and Lakota. Sapa-Najin is a sincere follower of the Nakota ways, and believes that God is

> the "great mystery" who gave the sacred pipe and the sacred rites. He seeks to follow the "good red road" or sacred way, viewing life as a purification ceremony for the after-life.
>
> The sweat lodge ceremony was the first rite given to the Nakota; it is preparation for all other rites as well as a rite in itself. During sweat lodge ceremonies, participants experience physical and spiritual purification and are "reborn" into harmony through the use of gifts from the helpers and powers that aid in prayer to the great mystery.

660 F.Supp. at 395 (emphasis added).

By denying permission to burn the fire which is essential to its observance, the State would be effectively prohibiting its Native American adherents from observing the ceremony at all. This burden on the free exercise of religion would appear to be clearly "substantial" under RFRA and under the balancing test in Yoder.

The nature of the State's asserted interest in banning the sweat lodge fire, especially under certain atmospheric conditions, is arguably that of preventing serious and potentially catastrophic damage to persons or property from an open fire that escapes and spreads uncontrollably to its surrounding environs. This interest is surely significant, but in this case, it does not appear to be "compelling." The state's interest here is arguably not significantly harmed if the sweat lodge observance is allowed, because the fire used during the ceremony is carefully contained and closely watched. See Indian Inmates, 660 F.Supp. 394, 395 (D.Neb. 1987), aff'd by Sapa Najin v. Gunter, 857 F.2d 463 (8th Cir. 1988).

As the Court stated in Yoder, 406 U.S. at 214, "The essence of all that has been said and written on the subject is that only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion". This is the expression of the compelling interest test that RFRA seeks to affirm. RFRA, 42 U.S.C. § 2000bb(b) (Supp. 1994). See also Sherbert v. Verner, 374 U.S. 398, 406 ("It is basic that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, '{o}nly the greatest abuses endangering paramount interests, give occasion for permissible limitation; Thomes v. Collins, 323 U.S. 516, 530"). The Sherbert test is also cited with favor in RFRA. 42 U.S.C. § 2000bb(b) (Supp. 1994).

Even if the State interest is seen as compelling in this instance, there are still less restrictive means available to the State in furthering its interest in public safety and the environment. If the statute is to be applied at all, the local fire chief or his or her designee must adopt reasonable requirements, for use under dangerous weather conditions, that would not impair the free exercise rights of Native American religion adherents, while ensuring against the burning of an unreasonably dangerous fire. See 1994 Neb. Laws LB 408, § 1 (amending § 81-520.01 to authorize the local fire chief to adopt rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning).

In summary, application of Neb. Rev. Stat. § 81-520.01 to prohibit Native American sweat lodge fires would violate the Religious Freedom Restoration Act. At most, local fire authorities could adopt reasonable requirements under the statute to ensure public safety during the use of such fires.[1]

[1] The assistance of Department of Justice law clerk Jeff Santema in preparing this opinion is gratefully acknowledged.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-1623-3

Opinion No. 94050

DATE:	June 24, 1994
SUBJECT:	LB 1351 - Constitutionality of Sanctioning Parent for Crimes of Child
REQUESTED BY:	Senator Eric J. Will
WRITTEN BY:	Don Stenberg, Attorney General Barry Waid, Assistant Attorney General

The act embodied in LB 1351 appears to be an attempt to make parents take more responsibility for the activities of their minor children. The ultimate goal of the legislation would appear to be aimed at discouraging various forms of undesirable conduct on the part of children. The major portion of the proposed legislation seeks to do this by requiring parents of children who have gotten into trouble to avail themselves of public or private child service organizations.

The U.S. Supreme Court has repeatedly held that the state and federal governments cannot deprive citizens of life, liberty, or property without due process of law. Meyer v. Nebraska, 262 U.S. 390 (1923). The due process clause provides both procedural and substantive due process protections. Pierce v. Society of Sisters, 268 U.S. 510 (1925). Both Meyer and Pierce involve state statutes that interfered with the ability of parents to choose how to best educate their children. In Meyer, the U.S. Supreme Court found that the Fifth and Fourteenth amendments' guarantee that citizens would not be deprived of liberty without due process and that liberty includes the right to raise one's children. Meyer v. Nebraska, supra at 399 (educating children in a foreign language). In Pierce, the Court found that the "liberty of parents and guardians to direct the upbringing and education of children under their control" denied the state the power to force children to attend public schools. Pierce v. Society of Sisters, supra.

On the other hand, the state is not without constitutional control over parental discretion in dealing with children when their physical or mental health is jeopardized. Parham v. J.R., 442 U.S. 584, 61 L.Ed.2d 101, 99 S.Ct. 2493 (1979). The family is not beyond regulation by the state in the public interest and the rights of parenthood are not beyond limitation. Prince v. Commonwealth of Massachusetts, 321 U.S. 158 at 166 (1944). The state as parens patriae and within the police powers of the state may restrict the parent's control Prince v. Commonwealth of Massachusetts, supra at 166; Meyer v. Nebraska, supra at 400; Sturges & Burn Mfg. Co. v. Beauchamp, 231 U.S. 320 (1913) (regulating or prohibiting child labor); Jacobsen v. Massachusetts, 197 U.S. 11 (1905) (compulsory vaccination of children); People v. Pierson, 176 N.Y. 201, 68 N.E. 243 (1903) (exposing the community or children to communicable diseases); State v. Baily, 157 Ind. 324, 61 N.E. 730 (1901) (requiring school attendance).

While earlier case law infrequently addresses the rights of children, more recent U.S. Supreme Court cases have recognized children's rights. In Re Gault, 387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967). In 1979, the U.S. Supreme Court recognized the liberty interest of children in not being subjected to unnecessary medical or psychological treatment. Parham v. J.R., 442 U.S. 601, 61 L.Ed.2d 101, 99 S.Ct. 2493 at 2503 (1979).

Sections 4 through 6

1. Sections 4 through 6 of the proposed legislation do not on their face violate the Due Process or Equal Protection Clauses of the U.S. Constitution or the Due Process Clause of the Nebraska Constitution as being an arbitrary or unreasonable infringement of the liberty interests of parents or their children. The legislation does not on its face unreasonably or arbitrarily subject children to remedial social service programs. It does not unreasonably and arbitrarily subject parents to criminal sanctions for failing to appear for the court appearances of their children and for failing to address their children's criminal behavior by availing themselves of public or private social service resources.

The established doctrine is that liberty may not be interfered with under the guise of protecting the public interest by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the state to effect. Meyer v. State of Nebraska, 262 U.S. 390, 43 S.Ct. 625 at 627 (1923). The proposed legislation is aimed at requiring parents to take responsible action in order to address the criminal behavior of their children. Case law does not suggest that the types of measures proposed would be arbitrary or without reasonable relation to some purpose within the competency of the state to effect. A number of courts have upheld the constitutionality of provisions likewise imposing criminal sanctions upon parents for failing to address the criminal behavior of their children. City of Eastlake v. Ruggerio, 7 Ohio App.2d 212, 220 N.E.2d 126 (1966) (criminal sanctions upon parent for allowing child to violate curfew); People v. Walton, 161 P.2d 498 (1945) (parents criminally responsible for allowing child to violate curfew); Commonwealth v. Slavski, 245 Mass. 405, 140 N.E. 465 (1923) (parents sanctioned for allowing children to sell alcohol). The critical requirement of these cases is that criminal liability may not be imposed upon parents unless there is a voluntary act or voluntary omission to perform an act of which the parents are physically capable of performing. State v. Akers, 400 A.2d 381 (1979) (holding parents criminally liable for the unlawful operation of off-road vehicles without reference to voluntary acts or omissions of parents violated due process); State v. Rackowski, 86 A. 606 (1913) (holding it impermissible to criminally sanction parent without evidence she knowingly consented to her children breaking quarantine law). Criminal sanctions may not be imposed upon parents merely, because of their "status" as parents. Robinson v. State of California, 370 U.S. 660, 82 S.Ct. 1417 (1962); Powell v. State of Texas, 392 U.S. 651, 88 S.Ct. 2145 (1968).

Sections 4 through 6 of the proposed legislation may be subject to constitutional challenge as applied depending on the type of "social service support" deemed "appropriate." There are two approaches to challenging the constitutionality of a criminal statute, a facial challenge and a challenge based on the statute's application to a particular defendant. State v. Valencia, 205 Neb. 719 at 727, 290 N.W.2d 181 (1980); State v. Saulsbury, 243 Neb. 227 at 230, 498 N.W.2d 338 (1993). The statute may be subject to constitutional challenge as applied to a particular subject. For example, if the type of "social service support" deemed "appropriate" was in-patient treatment in a psychiatric institution, the statute may be subject to due process attacks under both the Nebraska and U.S. constitutions as an arbitrary and unreasonable infringement upon either the rights of the child or the parents or both. Parham v. J.R., 442 U.S. 584 at 604-608 (1979). This determination would have to be made on a case by case basis and cannot be addressed further in this opinion.

2. Portions of Sections 4 through 6 are vague and overbroad and, consequently, violative of due process. Vagueness is a constitutional vice conceptually distinct from overbreadth. State v. Copple, 224 Neb. 672, 401 N.W.2d 141 (1987). A crime must be defined with sufficient definiteness and there must be ascertainable standards of guilt to inform those subject thereto as to what conduct will render them liable to punishment. State v. Valencia, 205 Neb. 719 at 723, 290 N.W.2d 181 at (1980). There is no question, but that to meet the due process requirements of the Fifth and Fourteenth Amendments to the U.S. Constitution, a penal statute must be sufficiently clear so that a person of ordinary intelligence has fair notice of exactly what conduct is forbidden. State v. Burke, 225 Neb. 625, 408 N.W.2d 239 (1987); Kolender v. Lawson, 461 U.S. 352 (1983).

A statute which is clear and precise, and therefore not vague, may nonetheless fail to pass constitutional muster by virtue of being overbroad in the sense that it prohibits the exercise of constitutionally protected conduct. State v. Copple, supra. A penal statute has to be given sensible construction in the context of the object sought to be accomplished, the evils and mischief sought to be remedied, and the purpose sought to be served. State v. Burke, supra at 634.

The word "involved" is both vague and overbroad as used in Section 4. The term "arrest" is overbroad. The term involved means "not easily understood, intricate, complicated; or implicated, affected, or committed." Webster's New World Dictionary, 2nd Ed. (1982). The fact that a child is "involved" in one of the enumerated offenses triggers the parent's or guardian's obligation to invoke the assistance of public or private social service organizations. Yet, the child's conduct in fact or the parent's or guardian's view of the conduct may be that the involvement was not culpable. Innocuous or even laudatory involvement in some incident on the part of the child would not put parents or guardians on notice of a need to contact social service organizations. The term "arrested" would allow for prosecution of parents or guardians whose children were not ultimately found guilty of criminal conduct. It is not clear from the statute that the parents or guardians of those children without culpable involvement are relieved from the statutory requirements. Consequently, the term does not give parents and guardians sufficient notice of what conduct will render them liable for punishment. It could also subject people innocent of culpable conduct to criminal prosecutions for having failed to take unnecessary action to involve others in the upbringing of their children. The statutory defect could be cured by removing the words "involved in, or arrested for, or" on p.1707, line 7.

The language in Section 4 providing that unaccounted absences or late night absences shall put parents on notice is also vague and overbroad. First, the statute does not set out a clear standard for determining the proscribed conduct. The statute presumes that "unaccounted late night absences away from home" put parents on notice their children are involved in the enumerated criminal acts. "A statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from proof of the other is arbitrary because of lack of connection between the two in common experience." Tot v. U.S., 319 U.S. 463 at 467, 468, 63 S.Ct. 1241 at 1245 (1943); Doe v. City of Trenton, 143 N.J.Super 128, 362 A.2d 1200 at 1202 (1976). See also, State v. Hruza, 223 Neb. 837, 394 N.W.2d 643 (1986) (statutory presumption language in statute created permissible inference). It does not necessarily follow that because a child is staying out late or away from home that a parent should be on actual notice that their child is involved in the criminal conduct enumerated in Section 4. The absence from home may be "unaccounted" in the eyes of the law, but the parents or guardians may be unaware that the absences are unaccounted. Second, Due Process requires that criminal liability not be imposed upon parents unless there is a voluntary act or omission to preform an act which they are physically capable of performing. State v. Akers, supra; State v. Rackowski, supra; People v.

Walton, supra; and Commonwealth v. Slavski, supra. See also State v. Simants, 182 Neb. 491 at 493-497. As written, the statute would allow parents to be prosecuted for failing to obtain assistance to address criminal conduct that may not have occurred or when the parent had no knowledge of its occurrence. This offends Due Process. The defect might be remedied by rewording p. 1707, lines 16-21 as follows: For purposes of this section, notice may be proven by evidence of direct notice. Direct notice shall include oral or written notice from a law enforcement agency or a juvenile court of the child's conviction for anyone or any combination of the crimes listed in this section.

Section 7

Section 7 violates Due Process. This portion of the proposed legislation provides for the imposition of criminal sanctions upon parents without regard to whether there is a voluntary act or omission on the part of the parents or guardian that contributes to their child having a firearm of any kind and for any purpose. There is no sufficient reasonable relation between this provision and the end to be served (presumably the objective of keeping guns from children through the intentional or negligent mishandling of the guns by their parents). The provision would conceivably allow for prosecution of a parent whose 17 year old child possesses a long barrelled shotgun for purposes of hunting. The prosecution could be warranted without regard to whether there was any misuse on the part of the child and without regard to culpability on the part of the parent. Punishment of parents or guardians for innocent conduct offends due process. Numerous cases have held that even civil liability may not be imposed upon parents for the negligent use of guns by their children without a showing that the parents or guardian knew of the possession or use of the guns by their children. Pawluk v. Mayer, 266 Wis. 55, 62 N.W.2d 572 (1954); Ritter v. Thibodeaux, 41 S.W. 492 (1897, Tex.Civ.App.). As discussed above, attempts to impose criminal sanctions upon parents or guardians without regard to a voluntary act or omission have failed to pass constitutional muster, See, State v. Akers, supra; State v. Rackowski, supra; City of Eastlake v. Ruggerio, supra; People v. Walton, supra; Commonwealth v. Slavski, supra. Such provisions impermissably impose criminal sanctions upon people solely because of their parental status. State v. Akers, supra at 39; Doe v. City of Trenton, 143 N.J. Super 128, 362 A.2d 1200 (1976) (Statutory presumption that two or more public peace violations in one year was the result of active or passive parental fault violated due process).

The constitutional infirmities found in section 7 could be remedied by limiting prosecution to those instances where it is shown that the parent or custodian knew of the child's possession of the gun. This opinion does not address the issue of whether it is appropriate public policy to criminalize possession of long barrelled guns by minors.

Respectfully Submitted,
DON STENBERG
Attorney General

(Signed) Barry Waid
Assistant Attorney General

40-533-13

Opinion No. 94051

DATE: July 7, 1994

SUBJECT: Signature Requirements for Initiative and Referendum Petitions

REQUESTED BY: Senator Kate Witek

WRITTEN BY: Don Stenberg, Attorney General

You have submitted to us proposed language for a legislative resolution to be introduced during either a special or regular session of the Legislature to return the required number of signatures on initiative and referendum petitions to that which existed prior to the Nebraska Supreme Court's decision in Duggan v. Beermann, 245 Neb. 907 (1994).

We have reviewed the proposed language. We do not generally draft legislation, since the Legislature already employs the bill drafter's office for this purpose. However, because of the fundamental importance of the initiative and referendum powers to the people of Nebraska, and because we find it simpler and perhaps more helpful to suggest language to accomplish your purpose rather than simply providing an analysis of your proposed language, we have set forth the following proposed constitutional amendments to carry out your stated purpose.

Article III, §2 would be amended as follows:

> Sec. 2. First power reserved; initiative. The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven percent of the~~ registered voters of the state equal in number to seven percent of the whole number of votes cast for Governor at the general election next preceding the filing of the petition, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten percent of such~~ registered voters of the state equal in number to ten percent of the whole number of votes cast for Governor at the general election next preceding the filing of the petition. In all cases the registered voters signing such petition shall be so distributed as to include the signatures of ~~five percent of~~ the registered voters ~~of~~ from each of two-fifths of the counties of the state equal in number to five percent of the whole number of votes cast for Governor in each of said respective counties at the general

election next preceding the filing of the petition, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

Article III, §3 would be amended as follows:

Sec. 3. Second power reserved; referendum. The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by ~~not less than five percent of the~~ registered voters of the state equal in number to not less than five percent of the whole number of votes cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than ten percent of the~~ registered voters of the state equal in number to not less than ten percent of the whole number of votes cast for Governor at the general election next preceding the filing of the petition distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

We hasten to point out that the above language is by no means the only way to amend Article III, §§ 2 and 3 to achieve your purpose. It may well be that you or other members of the Legislature could develop alternative language that achieves the same objective, but for one reason or another, the Legislature finds preferable.

Respectfully submitted,
Don Stenberg
Attorney General

cc: Clerk of the Legislature

Opinion No. 94053

DATE: July 13, 1994.

SUBJECT: Authority of State Board of Equalization to Order Intercounty Equalization of Real Property at a Specified "Target Range of Value" Lower than "Actual Value."

REQUESTED BY: The Honorable E. Benjamin Nelson, Governor

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

By letter dated July 6, 1994, you note that the State Board of Equalization and Assessment {"State Board" or "Board"} is meeting to discuss possible adjustments to real property values for classes or subclasses of property for purposes of performing its duties relative to intercounty or "statewide" equalization. Stating that "{t}he standards of assessment practices in counties across the State seem to vary greatly in preliminary numbers", and that you "are aware of the constitutional requirement to equalize properties and treat each property owner uniformly and the statutory target of market value", you have asked us to address the following question: "While the statutes require that real property is to be valued at its actual value (with agricultural land at 80% of actual value), is it your opinion that the State Board would fulfill its constitutional duty if it requires that all real property is valued at or near a specified target range of value, even though the target range is less than actual value?" For the reasons set out below, we conclude that, while such action by the Board would not be consistent with the legislative requirement that real property be assessed at its "actual value", it may, based on language contained in decisions of the Nebraska Supreme Court, as well as authority from other jurisdictions, be possible to defend action o this nature by the Board as consistent with the overriding constitutional principle that uniformity of taxation must take precedence when deviations from the standard of "actual value" are necessary to assure uniform and proportionate assessment of property.

I. Nebraska Constitutional and Statutory Provisions.

The Nebraska Constitution provides that "{t}he necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct." Neb. Const. art. VIII, § 1. This provision further requires that "{t}axes shall be levied by valuation uniformly and proportionately upon all real property. . . ."[1] The Constitution further provides that the State Board "shall have power to review and equalize assessments of property for taxation within the state." Neb. Const. art. IV, § 28.

Except for agricultural and horticultural land, "all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value." Neb. Rev. Stat. § 77-210(1) (Cum. Supp. 1992). The Legislature, pursuant to art. VIII, § 1, has provided the method of determining the taxable value of real property for tax purposes. Neb. Rev. Stat. § 77-112(1) (Cum. Supp. 1992) provides that "{a}ctual value of real property for purposes of taxation shall mean the market value of real property in the ordinary course of trade."[2]

The State Board "shall annually equalize the values of all real property as submitted by the county assessors on the abstracts of assessments. . . ." Neb. Rev. Stat. § 77-505 (Cum. Supp. 1992). "Pursuant to section 77-505, the State Board of Equalization and Assessment shall have the power to increase or decrease the value of a class or subclass of real property of any county or tax district. . . . Such increase or decrease shall be made by a percent." Neb. Rev. Stat. § 77-506 (Cum. Supp. 1992). "Pursuant to section 77-506, if the State Board of Equalization and Assessment finds that a just, equitable, and legal assessment of the property in the state cannot be made without increasing or decreasing by a percentage the value of a class or subclass of property as returned by any county, the board shall issue a notice to the counties which it deems either undervalued or overvalued and shall set a date for hearing {which it may be direct be conducted by the Tax Commissioner} at least five days following mailing of the notice." Neb. Rev. Stat. § 77-508 (Supp. 1993). "The State Board of Equalization and Assessment shall, pursuant to section 77-508, raise or lower the valuation of any class or subclass of property in a county when it is necessary to achieve intercounty equalization." Neb. Rev. Stat. § 77-508.01 (1990). "After a hearing conducted pursuant to section . . . 77-508, the State Board of Equalization and Assessment shall either (1) enter its order based on information presented to it at the hearing, or (2) meet to hear the recommendation of the Tax Commissioner based on information presented to him or her at the hearing." Neb. Rev. Stat. § 77-509 (Supp. 1993). An order of the Board entered pursuant to this section must be sent to county officials by August 15, and "shall specify the percentage increase or decrease and the class or subclass of property affected or the corrections or adjustments to be made to the class or subclass of property affected." Id.

II. Nebraska Caselaw Discussing the Board's Authority and Judicial Review of Its Orders.

While the Nebraska Supreme Court has often discussed the authority of the Board and the scope of judicial review of Board orders, perhaps the most extensive discussion of these principles is contained in Carpenter v. State Bd. of Equal., 178 Neb. 611, 134 N.W.2d 272

(1965) {"Carpenter"}. Discussing the respective duties of the State Board and the various county boards of equalization, the Court in Carpenter stated:

> In our scheme of taxation, the Board acts upon the abstracts of tax assessments furnished by each of the counties. The original determination of actual value under the statutory standard is the function of the county board of equalization. The determination of each individual county as to actual value within the county is clothed with a presumption of validity and, in the absence of evidence to the contrary, may be accepted by the Board as conforming to the law. It is fundamental that the Board has no power to readjust individual valuations within the county. It can only act to equalize the assessments between different counties in order to achieve the constitutional objective of uniform and proportionate valuations over the whole state. As we see it, the primary duty of the Board is to establish uniformity between the various counties.

Id. at 616, 134 N.W.2d at 276 (emphasis added). See also AT&T Information Sys. v. State Bd. of Equal., 237 Neb. 591, 595, 467 N.W.2d 55, 58 (1991) (noting that, in reviewing abstracts of assessments submitted by the counties, Board "deals only with the values of taxable property of a county in the aggregate.").

The Court in Carpenter continued its discussion of "{t}he proper relationship and the distinction in powers between the county boards of equalization and the Board" by quoting at length the following passage from its decision in S.S. Kresge Co. v. Jensen, 164 Neb. 833, 83 N.W.2d 569 (1957):

> It is the function of the county board of equalization to determine the actual value of the property for taxation purposes. While the county board of equalization acts in a quasi-judicial capacity and its valuations are final as to individual taxpayers unless appealed from, such valuations are subject to the powers of the State Board of Equalization and Assessment, which powers have been described by this court as being purely incidental to proper equalization of the assessment of the different counties of the state as returned by that body. Hacker v. Howe, 72 Neb. 385, 101 N.W. 255. Both the county board of equalization and the State Board of Equalization and Assessment, however, must give effect to the constitutional requirement that taxes must be levied uniformly and proportionately upon all tangible property. It is evident that actual value and a uniform and proportionate value may not always result in identical results. In dealing with such a situation in this state, the Supreme Court of the United States said: 'This court holds that the right of the taxpayer whose property alone is taxed at 100 per cent. of its true value is to have his assessment reduced to the percentage of that value at which others are taxed even though this is a departure from the requirement of statute. The conclusion is based on the principle that where it is impossible to secure both the standard of the true value, and the uniformity and equality required by the law,

> the latter requirement is to be preferred as the just and ultimate purpose of the law.' Sioux City Bridge Co. v. Dakota County, 260 U.S. 441, 43 S. Ct. 190, 67 L. Ed. 340, 28 A.L.R. 979.

178 Neb. at 616-17, 134 N.W.2d at 276-77 (emphasis in original). Significantly, the Court in Carpenter continued quoting its prior opinion in S.S. Kresge Co. v. Jensen as follows:

> It could well be added that the application of this principle to the findings of the county board of equalization makes it possible for the State Board of Equalization and Assessment to fairly equalize between counties without doing injustice to individual taxpayers.

178 Neb. at 617, 134 N.W.2d at 277 (emphasis added).[3]

The Carpenter court also discussed the standard of judicial review applicable to orders of the Board. In this regard, the Court stated:

> {T}he proper rule is that we may not substitute our judgment for that of the Board. We do not pass upon the relative merits or the probative force of the evidence in the record. We review the record only to determine if the Board has complied with the requirements of the statute in exercising the powers granted to it by the Legislature. It is only where the record is clear and conclusive that the Board's action was illegal, contrary to law, arbitrary, and capricious that this court has any power to reverse the findings and the orders of the Board. . . .
>
> * * *
>
> A wide latitude of judgment and discretion is vested in the Board.

Id. at 618, 134 N.W.2d at 277 (citations omitted).

Finally, we note that the Court in Carpenter expressly recognized the difficulties inherent in applying concepts of "value" and "equalization":

> {I}t can probably always be demonstrated that the Board, in dealing with the intangible concepts of valuation and uniformity, could never reach any mathematically precise result. Such a yardstick or criterion of equalization can never be accomplished. Approximation, both as to value and uniformity, is all that can be accomplished. . . .And, we have held that the object of the law of uniformity is accomplished if all of the property within the taxing jurisdiction is assessed at a uniform standard of value. . . . Actual value is an intangible concept, is largely a matter of opinion, and there are no yardsticks by which it can be determined with accuracy. . . . {T}he judgment as to valuation is largely a matter of opinion and is committed to the sound discretion and judgment of the board. We have held that substantial compliance with the requirements of equality and uniformity in taxation laid down by the federal and state Constitution is all that is required and that such provisions are satisfied when designed and manifest departures of the rule are avoided.

Id. at 619, 134 N.W.2d at 278 (citations omitted) (emphasis in original).

III. Authority of the Board to Order Intercounty Equalization of Real Property at a "Target Range of Value" Lower than "Actual Value".

Laflin v. State Bd. of Equal., 156 Neb. 427, 428, 56 N.W.2d 469, 472 (1953), was an appeal by a landowner in Johnson County from action of the State Board claiming that the Board failed "to properly equalize the assessment of farm lands in the various counties of the state for the taxable year 1952." "The final decision of the Board was that the value of farm lands and improvements in all counties whose 1952 assessed valuations per acre as shown by the abstracts filed by the respective counties were less than 50 percent of the 20-year average selling price per acre be raised to equal at least 50 percent of such average." Id. at 432, 56 N.W.2d at 473. Thus, "the yardstick used in determining the value of farm lands and improvements for the assessment of taxes in 1952 was a percentage ratio of the 1952 assessed value per acre, as shown by abstracts of real and personal property assessed for taxation in the several counties of the state, to the 20-year average sale price per acre from 1932 to 1951 inclusive." Id.

The Laflin court found the Board's actions were contrary to the statutory requirement that taxes be assessed at "actual value":

> It is clear from an examination of the record before us that the Board failed in its duty to value farm lands and improvements on the basis of their actual value and to equalize between counties for the purpose of compelling compliance with controlling statutes on the subject. We cannot see where the 20-year average sale price of lands of similar kind or class in a county can have any evidentiary value in determining present market value. . . . It is the duty of the Board to fix the value of farm lands and improvements at their actual value at the time they are appraised for assessment purposes. Any attempt to depart from this provision of the statute by averaging values during past periods of time which are too remote to have evidentiary force, constitutes a noncompliance with legislative direction and any relief from this requirement must come from the Legislature.
>
> * * *
>
> It is the function of the Board to see to it that all property is assessed at its actual value and that the failure of any of the various counties to comply with this requirement shall be corrected by the process of equalization between the counties. . . .
>
> * * *
>
> The record shows on its face that the Board did not value farm lands and improvements for assessment in the various counties on the basis of actual value, their value in the market in the ordinary course of trade. This being so, the final orders of the Board are in violation of the positive directions of applicable statutes.

Id. at ___, 56 N.W.2d at 474-75.

While Laflin indicates that the Board, in exercising its intercounty equalization function, may not deviate from the "actual value" standard set by statute, the decision in Laflin must be read in light of subsequent Nebraska Supreme Court decisions addressing the equalization power of the Board, and the manner in which it determines to exercise that power.

In Box Butte Cty. v. State Bd. of Equal., 206 Neb. 696, 295 N.W.2d 670 (1980), the Court considered appeals from several counties from action of the State Board ordering increases in assessment valuations of real estate throughout the state. The Court held that different appraisal methods applied by the Board to different classes or property resulted in appropriate determinations of fair market value for each class of property, and affirmed the Board's action. The Court discussed the recommendations adopted by the Board as follows:

> {A}fter utilizing the assessment/sales ratios for urban residential property of the eight highest counties as a starting point in order to attempt to achieve equalization throughout the state, the Department of Revenue tested the resultant average ratio of 35 percent. Its surveys disclosed that using such a ratio would place more than 50 percent of all properties over 35 percent of actual value. Therefore, it recommended use of an assessment/sales ratio of 30 percent which in its opinion would achieve 35 percent of actual value for the vast majority of nonagricultural land in Nebraska. Likewise, the beginning point for agricultural land was 30 percent over the 1976 Land Valuation Manual. However, after further research, the Department of Revenue offered evidence that an increase of only 20 percent over the manual was necessary to equalize that division of property with all other classes of property at actual value. We have previously referred to the correlation which existed between the two methods.
>
> Considering all of the evidence, the State Board perceived these recommendations as forming a reasonable basis to achieve equalization of all classes of property throughout the state at 35 percent of actual value. The evidence supports the action of the State Board and the appealing counties have failed to prove that its action was erroneous, arbitrary, or contrary to law.

Id. at 714, 295 N.W.2d at 681-82.[4]

The decision in Box Butte Cty. illustrates that, depending on the nature of the evidence before the Board, use of an assessment/sales ratio at a level less than the absolute level of "actual value" for statewide equalization purposes is sustainable if the level established can statistically be validated. Further, it should be noted that it is widely accepted that "{t}olerances are frequently allowed in equalization orders" in statewide equalization; in fact, a tolerance of five percent is recognized as "warranted and justified" and a ten percent tolerance "is considered reasonable." J. Keith, Property Tax Assessment Practices 406 (1st ed. 1966). Indeed, it is our understanding that the Board has, in recent history, accepted a certain "range" or "tolerance" in performing its statewide equalization functions, based on evidence provided by the Department. Thus, while the Court in Laflin indicated that "actual value" must be the standard of assessment in the Board's performance of its equalization powers, use of an assessment/sales ratio lower than 100 percent of "actual value", coupled with an acceptable range of "tolerance" or deviation, would, if supported by the evidence, appear to satisfy the Board's responsibility to achieve statewide equalization.

Your question, however, is based on the Board's establishment of a "target range" of value which would be set at less than "actual value." This, of course, is not a question which the Nebraska Supreme Court has squarely addressed. The validity of so- called "uniform fractional assessments" is a question which has arisen in numerous jurisdictions, with inconsistent results. As stated in an annotation on the subject:

> Full-value assessments have been held required by state constitutional/statutory provisions for assessment at full value. . ., at full cash value. . ., although there is a wealth of contrary authority;. . .at fair cash value, although there are contrary decisions. . .; at full and fair cash value. . .; at true value. . .; at true and actual valuation. . .; and at actual value. . . although there are contrary results.
>
> On the other hand, uniform fractional assessments have been held permissible under state constitutional/statutory provisions requiring assessments at full and actual cash value. . .; at full and true value. . .; at true cash value. . .; at true value in money. . .; and at market value or fair market value. . . .

Annot., Requirement of Full-Value Real Property Taxation Assessments, 42 A.L.R.4th 676, 682-83 (1985). While an exhaustive analysis of the cases discussed in the annotation is not possible for purposes of this opinion, it appears that most, if not all, of the cases cited concerned actions involving assessment practices by local assessors, as opposed to state bodies exercising constitutional duties to equalize properties statewide. Of all the cases reviewed, the California District Court of Appeals decision in Hanks v. State Bd. of Equal., 229 Cal. App. 2d 427, 40 Cal. Rptr. 478 (2d Dist. 1964), seems most directly on point.

In Hanks, a taxpayer brought an action to mandate that the State Board increase assessment rolls of all counties to make them conform to "full cash value". The California Constitution required that "{a}ll property in the State. . .shall be taxed in proportion to its value. . .", and that "{a}ll taxable property shall be assessed for taxation at its full cash value." Id. at ___, 40 Cal. Rptr. at 479-80. The California Constitution also created the State Board of Equalization, whose duty it was "to equalize the valuation of the taxable property in the several counties of the state for the purposes of taxation. . . ." Id. at ___, 40 Cal. Rptr. at 480. The taxpayer argued that, "since all assessment for property tax purposes must be made at 100 per cent of market value, a uniform fraction or ratio of market value {could not} be used in the process of equalization of assessments." Id. at ___, 40 Cal. Rptr. at 480.

Rejecting the taxpayer's contention that the Board had acted contrary to its constitutional and statutory duties, the California court stated:

> Our determination of the issue whether defendant Board has a constitutional duty to raise or lower county assessment rolls to make them conform to 100 per cent of full cash value, is controlled by

> Article XIII, section 9, California Constitution. The State Board's duty to equalize the level of assessments in the various counties throughout the state is derived from section 9, Article XIII. . . . Thereunder, the State Board has the 'duty * * * to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation'; and is 'authorized and empowered * * * to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of property contained in said roll, * * *' Thus, the only expressed duty of the State Board is to equalize the valuation of taxable property in the counties of the state (Art. XIII, § 9). This duty is not set up in terms of equalizing at 100 percent of market value. . . . If the State Board is required under Article XIII, section 9, to lower or raise a roll to 100 per cent of market value, as urged by appellant, why then is the State Board, in addition, separately but in the same constitutional provision, given the duty and power to require to equalize; for if 100 per cent of market value (true value in money) must be used, then equality and uniformity are automatically produced by raising or lowering rolls to 100 per cent of market value. Of what purpose then is the duty of the Board to equalize? It is exactly what the name implies--'to equalize the assessment of taxes in the several counties, so as to cause them to approximate as nearly as possible the equality and uniformity enjoined by the Constitution.'. . . Thus, the inference is fair that Article XIII, Section 9, was intended to permit the State Board to equalize on the basis of fractional assessments to full cash value.

Id. at ___, 40 Cal. Rptr. at 480-81 (citations omitted) (emphasis added).

> The court in Hanks further noted that {e}quality and uniformity in the imposition of the burden of taxation upon property throughout the state, and that all property be taxed in proportion to its value to be ascertained as directed by law, have always been the dominant goals of the Constitution in the field of taxation; and the evil that the State Board of Equalization was created to remedy was inequality and lack of uniformity producing discriminatory underassessment.

Id. at ___, 40 Cal. Rptr. at 483.

It should be noted that the decision in Hanks was based, in part, on California's historic practice of assessing property at the local level at less than 100 percent of actual value. Id. at ___, 40 Cal. Rptr. at 480-85. Nevertheless, the parallels between the constitutional duties to achieve statewide equalization under the California and Nebraska Constitutions are obvious. Article IV, § 28, imposes upon the Board the duty to "review and equalize assessments of property for taxation within the state." The Constitution makes no mention of the standard of valuation required in exercising this function. Moreover, we must be mindful of the Nebraska Supreme Court's discussion in Carpenter, quoting from its decision in *S.S. Kresge Co. v. Jensen*, of the impact of the U.S. Supreme Court decision in *Sioux City Bridge Co. v. Dakota County*, recognizing "*the principle that where it is impossible to secure both the standard of true value, and the uniformity and equality required by law, the latter requirement is to be preferred* as the just and ultimate purpose of the law.'" *Carpenter*, 178 Neb. at 617, 134 N.W.2d at 277 (emphasis in original). The *Carpenter* court continued by quoting its prior language in *S.S. Kresge Co. v. Jensen* that "{i}t could well be added that the application of this principle to the findings of the county board of equalization *makes it possible for the State Board of Equalization and Assessment to fairly equalize between counties without doing injustice to individual taxpayers.* 178 Neb. at 617, 134 N.W.2d at 277.[5] This language indicates that the Court may accept action by the Board deviating from the statutory "actual value" standard in exercising its duty to equalize property valuations statewide, provided the Board determined such action was necessary to achieve the overriding constitutional objective of uniform taxation.

The foregoing discussion indicates that Board action establishing a "target" of assessment at less than "actual value", within a specified narrow "range", may be deemed consistent with the Board's constitutional duty to "equalize assessments of property for taxation within the state".[6] The sustainability of any such action would, of course, depend greatly upon the nature and quality of the evidence before the Board, and whether the Board's reliance on the principle noted above that deviation from the "actual value" standard is appropriate "to fairly equalize between counties without doing injustice to individual taxpayers" is justified. Whatever aggregate increases (and decreases) in assessment levels the Board may choose to order for classes or subclasses of property in the various counties if it elects to follow such a course is a matter to be decided by the Board based on the evidence presented, giving due recognition, of course, to the wide latitude and discretion accorded the Board in exercising its judgment. In theory, however, such action would not, if properly supported, be clearly outside the Board's constitutional authority.

[1] Article VIII, § 1, also recognizes that "the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property. . .but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land."

[2] The Legislature has, of course, provided a different method for determining the taxable value of agricultural and horticultural land. Neb. Rev. Stat. § 77-112(2) (Cum. Supp. 1992).

[3] In a prior opinion, we noted that the decision in Carpenter stood for the proposition that "the primary function of the Board was to equalize valuations among counties, even if that required a departure from a statutorily required standard of true value,. . . . Op. Att'y Gen. No. 173 (1977-89 Report of Attorney General, Jan. 18, 1978) (emphasis added).

[4] Prior to the enactment of 1979 Neb. Laws, LB 187, the level of assessment was 35 percent of actual value.

[5] The Court's decisions in Carpenter and S.S. Kresge Co. v. Jensen were rendered after its decision in Laflin.

[6] It is our understanding that the only proposal presently before the Board concerns the establishment of a narrow range within a "target value" which is relatively high with respect to the statutorily defined "actual value" for the classes of property under review. We express no opinion as to whether the Board could attempt to utilize an equalization measure substantially lower than the mandated "actual value" standard. This would, of course, present a fundamentally different question.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-901-7.30

Opinion No. 94062

DATE: August 2, 1994

SUBJECT: Federal Energy Policy Act and Wholesale Wheeling of Electricity

REQUESTED BY: Senator George Coordsen
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked whether Neb. Rev. Stat. § 70-625.02 (1990) conflicts with the Federal Energy Policy Act of 1992, and, if it does, whether the Nebraska Statute is preempted by the Federal Energy Policy Act.

Section 70-625.02 provides:

> Electric transmission facilities and interconnections, defined; policy of state. It is declared to be the policy of the State of

> Nebraska that electric transmission facilities and interconnections which are defined as being electric lines having a rating of thirty-four thousand five hundred volts and higher will be provided and made available to all power agencies so as to result in the lowest possible cost for the transmission and delivery of electric energy over the transmission and interconnected facilities of any public power district, public power and irrigation district, individual municipality, group of municipalities registered with the Nebraska Power Review Board, governmental subdivision, or nonprofit electric cooperative corporation.

Section 70-625.02 declares a policy of the State to mandate wheeling of electricity for lines of 34,500 volts and higher. The process of using the transmission lines or facilities of utility B to get access generating capacity of generator A to customer C is often referred to as "wheeling."

The federal statutes relating to wheeling of electricity or interconnections is contained in 16 U.S.C. § 824(k). This provision is included within Subchapter II-Regulations of Electric Utility Companies Engaged in Interstate Commerce. Clearly both state and federal law address wheeling issues and as such the question of whether federal law preempts state law is important.

Congress has the power under the Supremacy Clause of Article IV of the Constitution of the United States to preempt state law. However, the Federal Power Act Subchapter II contains a specific exemption at 16 U.S.C. § 824(f) which states:

> No provision in this subchapter shall apply to, or be deemed to include, the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

Further, the United States Supreme Court has determined that the Federal Power Acts does not preempt state regulation or authority over electric utilities unless there is a specific provision of the Federal Power Act that mandates preemption of state law. See Arkansas Electric Power Cooperative Corp. v. Arkansas Public Service Commission, 461 U.S. 375, 76 L.Ed.2d 1 (1983). No such provision exists in regard to wheeling of electricity.

Nebraska is a public power state with virtually all generation and distribution of electrical power carried on by political subdivisions or corporations controlled by political subdivisions of the State. Since the State, political subdivisions of the State and corporations owned by the State or political subdivisions of the State have been exempted from the Federal Power Act under 16 U.S.C. § 824(f), there is no question of preemption for those areas contained in the subchapter which includes wheeling.

Your question is whether there is a conflict between the state and federal law in the area of wheeling. The federal law specifically excludes public power districts owned by the state or political subdivisions of the state therefore there is no issue of conflict between these state and federal law. It is our conclusion that the current federal law is not in conflict with Nebraska law and that federal law, as currently written, would not preempt state law in the area of wheeling of electricity. Opinion #94036 is overruled to the extent it is inconsistent with this opinion.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
28-63-6.32

Opinion No. 94064

DATE:	August 10, 1994
SUBJECT:	Application of Article III, Section 19 of the Nebraska Constitution to employee sick leave banks which would allow state employees to voluntarily transfer unused compensatory or holiday time to other employees who had exhausted their own sick leave benefits.
REQUESTED BY:	Senator Jerry Schmitt Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

You state that you are developing legislation for the 1995 legislative session concerning state employee union contract negotiations. In that regard, you have requested our opinion as to whether the Nebraska Constitution allows state employee unions to bargain for sick leave banks during contract negotiations. Such a sick leave bank would be established for employees who incur medically verified nonservice-connected illness or injury. The bank would allow other union members to voluntarily transfer to the affected employee's sick leave account enough of their earned compensatory time or holiday time to maintain the affected employee in a pay status after the employee's own sick leave was fully utilized. You ask, "{d}oes Article III, Section 19 of the Nebraska Constitution specifically prohibit the

State of Nebraska and state employee unions from including this issue in contract negotiations?"

Article III, Section 19 of the Nebraska Constitution provides, in pertinent part:

> The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, . . . nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his term of office . . .

We will focus our analysis on the initial portion of the constitutional language quoted above, since we assume that the union members who would participate in the sick bank program would be state employees rather than state officers with a set term of office.

The purpose of state constitutional provisions prohibiting extra compensation to public employees after services are rendered is to prevent payments in the nature of gratuities for past services. 67 C.J.S. Officers § 236. As stated by the Nebraska Supreme Court in Wilson v. Marsh, 162 Neb. 237, 75 N.W.2d 723 (1956), a case which, in part, involved the application of Article III, Section 19 to judicial pensions:

> It could hardly be made clearer or more positive that retirement benefits are either earned compensation for services rendered after the grant of them and that they are therefore valid or that they are a gratuity and not a part of compensation and therefore invalid.

Id. at 253, 75 N.W.2d at 733.

Under Neb. Rev. Stat. § 81-117 (1987) and the applicable state personnel rules, certain state employees can earn compensatory time off in instances where those employees are required to work more than 40 hours in any one week. In a similar fashion, state employees can earn compensatory time off on those occasions when they are required to work on holidays. The legislation which you are considering would apparently allow union employees who earned this compensatory time or holiday time to voluntarily transfer those hours to another union employee whose sick leave was exhausted. This arrangement would not result in a gratuity to the employees who earned the time which was transferred. However, the employee on sick leave who received the transferred time would obviously receive a gratuity, i.e., compensation for hours for which he or she had not worked.

While the employees on sick leave who received transferred compensatory or holiday hours would receive a gratuity under your proposal, we believe that the propriety of that arrangement turns on who or what is granting that gratuity. In other words, if the state is granting the gratuity under your proposal, then the arrangement clearly violates Article III, Section 19. On the other hand, if the gratuity is actually from the employees who earned the extra hours and chose to transfer them, then the arrangement would not involve a gratuity from the state in contravention of Article III, Section 19. The latter arrangement would simply create a mechanism for one state employee to make a contribution to another. The Wilson case sheds some light on this question.

In the Wilson case, the court considered whether a judicial pension program which required contributions from a judge's salary beginning during the judge's term effected a diminution in the judge's salary under Article III, Section 19. In the course of its opinion, the court stated:

> The State of Nebraska retains 4 percent of the monthly salary of each judge within the act and credits the amount retained to a fund of its designation without participation in any way of the public official. These deductions are the retention of public money. They continue to be public money and the fund is a public one. The amount withheld by the state from the salary of judges never was and never will become their money or property. The annual salary of each fixed by law then earned and required to be paid in equal monthly installments is decreased by the amount deducted during his term of office.

Id. at 246, 75 N.W.2d at 729 (emphasis added). This language from the Wilson case indicates that monies held by the state and deducted from the salary of a state officer or employee as a part of a required pension program remain public monies. In this way, mandatory pension withholding instituted during an officer's term of office can result in a diminution of that officer's salary in violation of Article III, Section 19, since the public officer whose salary is subject to the withholding for the pension never receives the funds which are withheld. Language to the same effect concerning the nature of funds mandatorily withheld from an employee's salary for pension purposes is found in Gossman v. State Employees Retirement System, 177 Neb. 326, 129 N.W.2d 97 (1964).

The Wilson and Gossman cases make it clear that monies withheld from an employee's salary on a mandatory basis remain public monies for purposes of Article III, Section 19. However, it seems to us that the converse of this rule would apply to monies contributed voluntarily to a pension program or to withholding for other purposes. Those funds would not be monies of the state, but would be the monies of the individual officer or employee, under his or her control to be paid at his or her direction.

From your letter, we understand that transfers of compensatory time and holiday time into your proposed employee sick banks would be voluntary on the part of the state employee who had earned that time. As a result, we do not believe that the time and compensation at issue in the transfer would represent public monies on the basis of the cases cited above. Instead, the transfer of compensatory or holiday time would represent a transfer of monies belonging to the state employee who had earned the hours off. The gratuity received by the employee who had exhausted his or her sick leave would, therefore, be a gratuity received from the individual who made the transfer to the bank rather than a gratuity from the state. On that basis, we do not believe that your proposal would violate Article III, Section 19.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-20-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 94065

DATE: August 19, 1994

SUBJECT: Interpretation of Neb. Rev. Stat. § 77-27,142.03, as amended - Submission of Local Option Sales Tax Questions to Electors of an Incorporated Municipality.

REQUESTED BY: Senator Joyce Hillman
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the interpretation and application of the provisions governing the submission of local option sales tax questions to electors of an incorporated municipality under Neb. Rev. Stat. § 77-27,142.03 (1990), as amended by 1994 Neb. Laws, LB 1175, § 3. Prior to its amendment, § 77-27,142.03 provided, in part: "The question of imposing a sales and use tax shall not be submitted to the electors of an incorporated municipality more often than once every twenty-three months." Section 3 of LB 1175 amended this language to provide as follows: "(2) The question of imposing a sales and use tax which has been submitted to the electors and failed shall not be submitted to the electors of an incorporated municipality again until twenty-three months after such failure." Your question is prompted by concerns as to the interpretation and application of § 77-27,142.03, as amended, to a situation involving the City of Scottsbluff, Nebraska {the "City"}. The City presently proposes to place a measure before the electors on the general election ballot in November, 1994, seeking approval of a local option sales tax of one-half of one percent to fund an economic development program. The City also anticipates submitting the question of renewing the current local option sales tax for the City of one-half of one percent on the primary election ballot in May, 1995. Your question is whether, if the voters do not approve the local option sales tax for economic development in November, 1994, will the failure of this measure preclude the City from placing the question of renewing the local option sales tax for the City on the primary ballot in May, 1995, as this would be within the twenty-three month period established by § 77-21,127,03, as amended, during which time the question of imposing a local option sales tax may not be submitted to the electors after failure of such a measure. You indicate that, if this is the case, you may introduce amendatory legislation in the next legislative session.

In construing a statute, courts should attempt to discover legislative intent from the language of the act and give effect to that intent. Peterson v. Minden Beef Co., 231 Neb. 18, 434 N.W.2d 681 (1989). The reasons for the enactment of a statute, and the purposes and objects of the act, may be guides in attempting to give effect to the intent of lawmakers. State v. Jennings, 195 Neb. 434, 238 N.W.2d 477 (1976). A statute should be construed in the context of the mischief sought to be remedied and the purpose to be served. In re Boundaries of McCook Public Power Dist., 217 Neb. 11, 347 N.W.2d 554 (1984). Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. Sorenson v. Meyer, 220 Neb. 457, 370 N.W.2d 173 (1985).

Prior to its amendment, § 77-27,127.03 provided that "{t}he question of imposing a sales and use tax shall not be submitted to the electors of an incorporated municipality more often than once every twenty-three months." Section 3 of LB 1175 amended this language to provide that "{t}he question of imposing a sales and use tax which has been submitted to the electors and failed shall not be submitted to the electors of an incorporated municipality again until twenty-three months after such failure." (emphasis added). Thus, prior to its amendment, § 77-27,127.03 prohibited submitting the question of imposing a local option sales and use tax to the voters more than once during a twenty-three month period. This language precluded submission of a local option sales tax question for twenty-three months after either a successful, or unsuccessful, vote of the electorate on the question of imposing a sales and use tax. The language amending § 77-27,127.03, however, prevents the submission of additional questions to voters for approval of a local option sales and use tax for twenty-three months only after a local option sales and use tax question is submitted to the voters and has failed. Under § 77-27,127.03, as amended, if a local option sales and use tax question is submitted to the voters and is passed, additional questions of imposing a local sales and use tax may be submitted to the voters of an incorporated municipality during the following twenty-three month period. If a local option sales and use tax question is submitted to the voters and rejected, however, § 77-27,127.03, as amended, precludes the submission of a local option sales and use tax question to the voters for a twenty-three month period.

This interpretation of the 1994 amendment to § 77-27,127.03 is confirmed by the legislative history of the amendment. The sponsor of the amendment, in discussing its purpose, stated:

> {W}hat it does is some clarification with some municipalities that were looking at the city sales tax and what they might do and that they had some problems with the fact that once they had offered an initiative that they would not be able to submit anything to the voters again for 23 months. And I think what the intent was there was that if an initiative failed, that they would not be able to come back. But if it passed there wouldn't be any problems with them coming back with another initiative and looking at again increasing their sales tax on a local level. . . .{T}he purpose is that if an initiative is offered or if the option is offered and the voters vote it down, that you aren't allowed to hassle local entities if they had said no if it failed. . . .{I}t's a clarification that you can't come back only if it has failed, but if it had not failed they wouldn't be able to come back.

Floor Debate on LB 1175, 93rd Neb. Leg., 2nd Sess. 13252 (April 12, 1994) (Statement of Sen. Hillman).

In construing a legislative act, resort may be had to the history of its passage for the purposing of determining legislative intent. Georgetown Ltd. Partnership v. Geotechnical Services, Inc., 230 Neb. 22, 430 N.W.2d 34 (1988). While the language of § 77-27,127.03, as amended, is plain and unambiguous, and resort to legislative history is unnecessary, the explanation of the purpose of the amendment in the floor debate confirms that the amendment was intended to prevent the submission of local sales and use tax questions to voters after failure of a submission for a period of twenty-three months, while allowing further submission of questions to the voters during this period if a local option sales and use tax vote was approved by the electorate.

With respect to the specific situation regarding the City, the local option sales and use tax question to be placed on the general election ballot in November, 1994, would propose a local option sales and use tax to fund an economic development program under the Local Option Municipal Economic Development Act, Neb. Rev. Stat. §S 18-2701 to -2738 (1991 and Supp. 1993) {the "Act"}. Section 18-2713 of the Act provides that, "{b}efore adopting an economic development program, a city shall submit the question of its adoption to the registered voters at an election." This section further requires that the ballot question include "the year or years within which the funds from local sources of revenue are to be collected, the source or sources from which the funds are to be collected, {and} the total amount to be collected for the program from local sources of revenue,. . . ." The Act authorizes voters to approve "a local option sales tax" as a source of funding an economic development program. § 18-2713.

The question which arises is whether, if the vote on the local option sales and use tax question for economic development purposes submitted in November, 1994, fails, is the City prohibited from submitting to the voters in May, 1995, the question of approval of a local option sales and use tax for city purposes, as this would be within twenty-three months of the voters' rejection of a local option sales and use tax. In our view, the language of § 77-27,127.03, as amended, would preclude submission of a local option sales and use tax question by the City in May, 1995, if the question submitted in November, 1994, fails. The statute is worded in such a manner as to preclude submission of "{t}he question of imposing a sales and use tax" for twenty-three months if a measure has been submitted and failed. While the question to be submitted in November, 1994, is designated for the purpose of funding an economic development program, and the question to be submitted in May, 1995, is to impose a sales and use tax for general city revenue purposes, we do not believe the different purposes served by the proposed taxes render inapplicable the twenty-three month waiting period if the question submitted in November, 1994, fails. The statute does not condition application of the waiting period on the nature or purpose for which a local option sales and use tax question is submitted; rather, it speaks simply in terms of the submission of a local option sales and use tax question to the voters. This is consistent with the interpretation LB 1175 recently adopted by the Nebraska Department of Revenue. Revenue Ruling 9-94-2 (August 9, 1994). While construction of a statute by the department or agency charged with enforcing it is not controlling, considerable weight will be given to such construction. McCaul v. American Sav. Co., 213 Neb. 841, 331 N.W.2d 795 (1983).

An argument could be made that § 77-27,127.03, as amended, prevents only resubmission of the same question regarding imposition of a local option sales and use tax for twenty-three months after a specific question has been rejected by the voters. Applying this interpretation to the facts presented, if the question seeking approval of a local option sales and use tax for economic development purposes failed, the City would only be precluded from submitting the question of imposing a sales and use tax for this specific purpose for twenty-three months, and would not be precluded from submitting the question of imposing a sales and use tax for general revenue purposes within this time period. While such an interpretation is not implausible, it is by no means clear that, if the November, 1994, measure fails, the City could submit a local option sales and use tax question again in May, 1995. If the November measure fails, and the question submitted in May, 1995, is approved, the City could be subject to a lawsuit challenging the validity of the sales tax authorized by the May election. Such a lawsuit, if successful, would surely have an adverse effect on the City's finances. Therefore, in view of your stated intent in requesting our advice on this question, we urge you to consider introducing legislation clarifying this issue in order to avoid any uncertainty as to the interpretation and application of § 77-27,127.03 under these circumstances.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-920-7.30
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 94066

DATE: August 26, 1994

SUBJECT: Effect of a purported late filing, under Neb. Rev. Stat. § 32-707.01 (1988), of ballot explanations for constitutional amendments proposed by the Legislature.

REQUESTED BY: Allen J. Beermann
Nebraska Secretary of State

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

During the 1994 legislative session, the Nebraska Legislature passed several legislative resolutions which proposed amendments to the state constitution. Under the provisions of Neb. Rev. Stat. § 32-707.01 (1988), the Executive Board of the Legislative Council is to prepare an explanatory statement for each of those proposed constitutional amendments which "in clear, concise language, {explains on the ballot} the effect of a vote for and against" the proposal. Those explanatory statements are to be "submitted to the Secretary of State not less than four months prior to the general election for certification to the county clerks and election commissioners along with the ballot titles." On July 8, 1994, the Chairman of the Legislature's Executive Board filed the requisite explanatory statements for the proposed constitutional amendments with your office. The general election will be held on November 8, 1994.

We have now received a copy of a letter from a Grand Island attorney, dated August 11, 1994, and directed to you, Governor Nelson and Attorney General Stenberg. In that correspondence, the attorney presents various arguments supporting his position that the ballot explanations prepared for the 1994 legislative resolutions proposing state constitutional amendments were filed with your office after the deadline established by Section 32-707.01. The attorney also argues that one specific constitutional change proposed by the Legislature, LR2CA dealing with arbitration, is unconstitutional. For these various reasons, the attorney asks you and the other constitutional officers involved to withhold the constitutional amendments proposed by the Legislature from the ballot. Alternatively, he also threatens a mandamus action should you and the other state officials place the proposed amendments on the ballot or otherwise not undertake a declaratory judgment action to litigate the matters raised in his letter. You have now asked for our views, in light of the attorney's correspondence, as to whether the constitutional amendments proposed by the Legislature should be placed on the ballot. We believe that they should be submitted to the voters in the November general election.

The attorney initially argues that the ballot explanations in question should have been filed with your office by July 6, 1994, in order to meet the requirements of a filing "not less than four months prior to the general election." This argument is based upon the notion that a minimum four-month time period must elapse from the filing of the statements to the date of general election, and on the application of Neb. Rev. Stat. § 25-2221 (1989) which generally governs the computation of time and provides that the first day of any statutory time period is excluded in time computation while the last day is included.

The argument based on Section 25-2221 notwithstanding, we believe that this situation is clearly governed by the previous decision of the Nebraska Supreme Court in State ex rel. Morris v. Marsh, 183 Neb. 521, 162 N.W.2d 262 (1968). In that case, the court considered whether an initiative measure was timely filed on July 5, 1968, for the general election on November 5, 1968, under a constitutional provision which required that "the {initiative} petition shall be filed with the Secretary of State, who shall submit the measure . . . at the first general election held not less than four months after such petition shall have been filed." The court ultimately stated,

> There is little or no dispute that in terms of a full day and an exact date, November 5 is a date exactly 4 months after July 5. The respondent attempts to read the language of the Constitution as requiring the election to be held more than 4 months after the filing of the petition, instead of "not less than 4 months." (Emphasis ours.) The district court's computation was correct.
>
> We hold that a requirement than an initiated measure be submitted at the first general election held not less than 4 months after filing of the petition is satisfied by a filing on July 5 for a general election to be held November 5.

Id. at 526, 527, 162 N.W.2d at 266, 267. (Emphasis in original). In a similar fashion, we believe that the filing by the Executive Board on July 8 for a general election on November 8 satisfies the requirements of Section 32-707.01.

Apart from the question of whether the filing of ballot explanations by the Executive Board was timely under the statutes, there is a greater question as to the effect of a late filing. In other words, if we assume, for the sake of argument, that the July 8 filing was late under Section 32-707.01, does that late filing authorize you to refuse to place the constitutional amendments proposed by the Legislature on the November ballot? Based upon our research, we do not believe that such a late filing would warrant that result.

The Nebraska Supreme Court has stated that,

> The two important, vital elements in any constitutional amendment are the assent of two-thirds of the Legislature and a majority of the popular vote. Beyond these, other provisions are mere machinery

> and forms. They may not be disregarded, because, by them, certainty as to the essentials in secured. But they are not themselves the essentials.

State ex rel. Thompson v. Winnett, 78 Neb. 379, 388, 110 N.W. 1113, 1116 (1907). Based, in part, upon this reasoning, the Nebraska Supreme Court has indicated that substantial compliance with the constitutional requirements regarding amendment of the state constitution is sufficient to amend that document. Duggan v. Beermann, 245 Neb. 907, ___ N.W.2d ___ (1994); Swanson v. State, 132 Neb. 82, 271 N.W. 264 (1937); State ex rel. Hall v. Cline, 118 Neb. 150, 224 N.W. 6 (1929); State ex rel. Thompson v. Winnett, supra. For example, in the Swanson case, the court indicated that notice of a constitutional amendment was sufficient even though newspaper publications in one county of the state were not made on the correct dates and newspaper publications in three other counties were not made the required number of times.

The filing requirements in Section 32-707.01 are statutory rather than constitutional. If substantial compliance with constitutional requirements is sufficient for amendment of the state constitution, then surely substantial compliance with statutory requirements is satisfactory as well. Given that premise, we believe that filing ballot explanations two days late is substantial compliance with Section 32-707.01, and would not justify removing the proposed constitutional amendments from the ballot.

Finally, the attorney from Grand Island takes specific issue with LR2CA, a proposed constitutional amendment which would permit arbitration in Nebraska. He argues that this constitutional amendment would, in itself, be unconstitutional in several respects. On that basis, he asks that you exercise your authority and refuse to place that proposed amendment on the ballot.

The Nebraska Supreme Court has indicated that, unless the subject of a proposed initiative or referendum petition is invalid or unconstitutional on its face, the Secretary of State cannot pass upon the validity or construction of any proposed law when the petition is presented for filing and placement on the ballot. State ex rel. Brandt v. Beermann, 217 Neb. 632, 350 N.W.2d 18 (1984). This rule includes initiatives to amend the state constitution. By analogy, we believe that this rule applies equally in the present situation where the Legislature has presented duly enacted resolutions amending the constitution for placement on the ballot. In our view, unless those legislative resolutions exhibit some facial flaw, you do not have the authority to pass upon their constitutionality and to refuse to place them on the ballot. In that regard, we do not believe that LR2CA is unconstitutional on its face. Consequently, you should place it on the ballot for consideration by the people of Nebraska.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

05-21-14.op

Opinion No. 94078

DATE:	September 26, 1994
SUBJECT:	Statutory and Constitutional Constraints on the Use of Public Funds by Governmental Subdivisions to Purchase or Rent Buildings in Competition With Tax Paying Entities
REQUESTED BY:	Senator George Coordsen Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

In your opinion request letter, you posed two questions to us involving the use of public funds by governmental subdivisions, and you stated that your opinion request was submitted "{i}n contemplation of possible legislation to be introduced in the coming legislative session." We will deal with each of your questions in turn.

You first ask:

> Are public non-profit entities such as municipalities, public power districts or the Municipal Energy Agency of Nebraska, which do not pay real estate or corporate income tax, permitted under Nebraska Statute to use their ratepayers {sic} revenues to purchase buildings and subsequently to rent out portions of such buildings to other organizations, either public or private, which would place them in direct competition with tax paying entities?

The scope of your question makes it difficult for us to answer with any specificity since the authority for each municipality, power district, or other governmental subdivision referenced in your inquiry to use public revenues to purchase and rent buildings would be found in the specific statutes dealing with that entity or in other documents applicable to each individual entity such as home-rule charters. As a result, we can only comment generally on your question. In that regard, we are unaware of any one statute which would apply to all the subdivisions listed above and which would prevent them in any way from purchasing and renting buildings in direct competition with tax paying entities. Therefore, you may wish to consider such legislation at the upcoming legislative session if that is the purpose of your inquiry.

You next ask, "{s}econdly, are such organizations {as municipalities, public power districts or the Municipal Energy Agency} permitted to use such public funds to purchase buildings or land for economic development purposes or to further enhance their operating margins?"

Again, the number of governmental subdivisions included in your question and the multitude of statutes and other authorities applicable to those various subdivisions make it very difficult to answer with any degree of specificity. We are unaware of any statute which generally prohibits governmental subdivisions from using public funds to purchase buildings or land to enhance their operating margins. Apart from that, if a governmental subdivision is using public funds for economic development purposes, some question as to the propriety of that action might arise under Article XIII, Section 3 of the Nebraska Constitution which prohibits the use of public funds for private purposes. However, under Article XIII, Section 2 of the Nebraska Constitution and under the Municipal Economic Development Act, Neb. Rev. Stat. §§ 18-2701 to 18-2723 (1991, Cum. Supp. 1992), municipalities might well be able to use public funds to purchase buildings or land for economic development purposes in certain circumstances. As a result, the answer to your second question also depends, a great deal, on the particular entity involved and the precise nature of the use of public funds proposed.

While we have, of necessity, offered general answers to the questions posed in your opinion request letter, we can respond in greater detail should you choose to provide more information to us as to the specific governmental entity involved, the exact nature of the use of public funds at issue, and the nature and purpose of your proposed legislation.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-23-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 94079

DATE: October 3, 1994

SUBJECT: Scope of Practice of Dental Hygienists

REQUESTED BY: Senator Don Wesely

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have asked whether legislation is needed to assure that the Department of Health has statutory authority to promulgate regulations allowing dental hygienists to administer local anesthetics. You have referred to two statutory provisions concerning dental hygienists. Neb.

Rev. Stat. § 71-193.17 provides that a licensed dental hygienist may perform certain oral procedures including 1) scaling of teeth and 2) polishing all exposed tooth surfaces in the oral prophylaxis procedure. Neb. Rev. Stat. § 71-193.19 provides that the Department of Health may, by rule and regulation, prescribe additional services which may be performed by a licensed dental hygienist when such additional procedures are educational or related to the oral prophylaxis. In your letter, you have indicated that it is the procedure of planing roots below the gum line which generally requires the administration of local anesthetic by injection.

We have reviewed the Nebraska statutes concerning the practice of dentistry and the procedures authorized to be performed by licensed dental hygienists. As discussed below, we conclude that legislation would be needed to give the Department of Health sufficient authority to expand the scope of practice of dental hygienists to encompass the injection of local anesthetics.

The scope of dentistry practice is defined at Neb. Rev. Stat. § 71-183 (1990). That statute provides at § 71-183(1) that a person shall be deemed to be practicing dentistry who performs "any dental operation or oral surgery or dental service of any kind . . . . " The statute also provides at § 71-183(12) that a person shall be deemed to be practicing dentistry who "administers an anesthetic of any nature in connection with a dental operation. . . ." In other words, the general rule is that only a dentist may administer anesthetics.

Neb. Rev. Stat. § 71-183.01 (Cum. Supp. 1992) lists certain practices and operations which are exceptions to the general rule that a person engaged in such practice must be a licensed dentist. Section 71-183.01(2) states that a qualified anesthetist or registered nurse is not practicing dentistry when giving an anesthetic for a dental operation under the direct supervision of a licensed dentist or physician. Section 71-183.01(7) states that a licensed dental hygienist, when performing certain procedures under the supervision of a licensed dentist, is not deemed to be practicing dentistry. This exception is limited to the performance of "the oral prophylaxis procedure, which will include the scaling and polishing of teeth and such additional procedures as are prescribed in accordance with rules and regulations adopted by the Department of Health." We also note that § 71-193.17(10) specifically provides that a licensed dental hygienist may apply topical desensitizing agents, but contains no specific provision regarding administration of anesthetics by injection. These statutes must be read along with §§ 71-193.17 and 71-193.19 to which you refer to in your letter. Statutes pertaining to the same subject should be construed together as if they were one law and effect should be given to every provision. Indian Hills Community Church v. County Bd. of Equalization, 226 Neb. 510, 412 N.W.2d 459 (1987). Legislative intent deduced from the entire act prevails over that of a particular part considered separately. Grosvenor v. Grosvenor, 206 Neb. 395, 293 N.W.2d 96 (1980). Finally, we note for your information that the current regulations adopted by the Department of Health expressly prohibit dental hygienists from administering local or general anesthetics. 172 NAC 53-002.02C.

You inquire whether the Department of Health has sufficient statutory authority to adopt regulations allowing dental hygienists to administer a local anesthetic. It is true that there is language in both §§ 71-183.01(7) and 71-193.19 which allows the Department of Health to prescribe "additional procedures" which may be performed by a licensed dental hygienist. However, these additional procedures must relate to the oral prophylaxis procedure and it appears doubtful that the administration of a local anesthetic by injection is sufficiently related to the oral prophylaxis procedure. We find the Legislature has expressed its intent in §§ 71-183 and 71-183.01 that only licensed dentists, and qualified anesthetists and registered nurses under the direct supervision of a licensed dentist or physician, may give anesthetics. This lends support to our opinion that §§ 71-193.17 and 71-193.19 would be interpreted to mean that administering a local anesthetic is not one of the 'additional procedures" related to oral prophylaxis which may be prescribed by agency regulations. In the event the court would find the reference to "additional procedures" ambiguous and resort to legislative history for the purpose of determining legislative intent, we have reviewed the legislative history of Neb. Rev. Stat. §§ 71-193.17 and 71-193.19. LB 572 was intended to clarify statutory language concerning the practice of dentistry, to resolve a conflict with regard to who may take a dental x-ray, and to clarify the role of the licensed dental hygienist and make specific what is included in the oral prophylaxis procedure which hygienists are permitted to perform. As Chairman of the Committee on Public Health and Welfare, we note that you gave the following explanation during floor debate prior to passage of Laws 1986, LB 572. "Another thing, we make it clear is that you don't allow for local anesthesia to be administered by a dental hygienist. We do allow for monitoring of nitrous oxide. Once the dentist starts it, the dental hygienist is very qualified to make sure that everything functions according to plan, but as far as actual administration of anesthesia, they would not be allowed to do that." Floor Debate on LB 572, 89th Neb. Leg., 2nd Sess. 8418 (Feb. 6, 1986) (Statement of Sen. Wesely).

We also point out that, if the Department were to amend its regulations without a statutory change so as to allow dental hygienists to administer local anesthetics; Neb. Rev. Stat. §§ 71-183.01(7) and 71-193.19 may be subject to challenge as an unconstitutional delegation of legislative authority. Although the legislature may authorize an administrative agency to make rules and regulations to carry out an express legislative purpose or to enforce a law within designated limitations, these designated limitations and the standards by which the powers granted are to be administered must be clearly and definitely stated in the authorizing act. Bosselman, Inc. v. State, 230 Neb. 471, 432 N.W.2d 226 (1988). Arguably, these references to additional procedures to be prescribed by the Department of Health might not be found sufficiently clear and definite to guide the agency in exercising the power conferred upon it.

For all of these reasons we conclude that, if a change in scope of practice is desired, a safer course would be to amend the statutes in question so as to expressly provide for the administration of local anesthetics by dental hygienists.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
9-274-6.23

Opinion No. 94080

DATE: October 14, 1994

SUBJECT: Confidentiality of Senators' Phone Records

REQUESTED BY: Senator Tim Hall

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

In conjunction with the audit of the Legislative Council by the Auditor of Public Accounts, you have requested the opinion of this office concerning several questions related to the confidentiality of phone records of Nebraska State Senators.

The first question presented is "at what point in the audit process do senators' long distance telephone records lose their exempt status?" This question is preceded, in your letter, by your legal conclusion that "Neb. Rev. Stat. Section 84-712.05(11) (Supp. 1993), specifically exempts from the Public Records Act 'correspondence, memoranda and records of telephone calls related to the performance of duties by a member of the Legislature."

The first question presented, as well as the legal conclusion on which it is premised, reflects a basic misunderstanding of the operation of the Public Records Act. Legislative phone expense records are not "exempt" from the Public Records Act. Such records clearly fall within the definition of "public record" as defined in Neb. Rev. Stat. § 84-712.01 (1987). They are, however, specifically made subject to a provision under which the custodian of such records may withhold them from public viewing. Neb. Rev. Stat. § 84-712.05(11) (Supp. 1993). Our long standing view of the operation of the Public Records Act is supported not only by the clear text of the statutes, but also by the Legislative History of § 84-712.05(11). The Committee Statement for LB 565, dated February 10, 1983, stated as follows:

> LB 565 would add another category of public documents that may be excluded from public disclosure, under the public records laws, by their 'lawful custodian.' Included in this new category are correspondence, memoranda and records of telephone calls generated by a state senator in the performance of his or her duties.

Committee Records of LB 565 (Neb. Laws 1983) (emphasis added).

As was made clear by the Order of the Lancaster County District Court in Breslow v. Primeau (Docket 496, Page 039), dated April 18, 1994, the Auditor of Public Accounts is not the equivalent of the "public" and has independent constitutional authority to review records of expenditures of State funds. In addition, the Auditor has statutory authority to review Legislative phone records under Neb. Rev. Stat. § 84-304, as upheld in Breslow v. Primeau. Finally, as documents falling within the definition of "public records" under § 84-712.01, Legislative phone records are also specifically available to the Auditor of Public Accounts under Neb. Rev. Stat. § 81-1117.02(2) (1987) for audit purposes.

The general issue presented by your question was also the subject of Attorney General Opinion No. 92116 (October 8, 1992). The following analysis was set forth in that opinion:

> Neb. Rev. Stat. § 84-712 (Reissue 1987) provides, in pertinent part:
>
> > Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, . . . are hereby fully empowered and authorized to examine the same, and to make memoranda and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business.
>
> Under Neb. Rev. Stat. § 84-712.01 (Reissue 1987), "public record" is defined as:
>
> > . . . all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.
>
> Obviously, these statutes would allow members of the public to review the phone records of state legislators, and we said as much in Opinion of the Attorney General No. 46, March 14, 1983. Therefore, in 1983, the Legislature added subsection 11 to Neb. Rev. Stat. § 84-712.05 (Reissue 1987). Section 84-712.05 generally creates a list of categories of documents which may be withheld from the public at the discretion of the governmental agency involved. Subsection 11 of that section adds "{c}orrespondence, memoranda, and records of telephone calls related to the

> performance of duties by a member of the Legislature" to the list of documents which may be kept confidential. As a result of Subsection 11, members of the public can be denied access to the telephone records of state legislators. . . .
>
> While the Public Records Statutes clearly allow legislative phone records to be kept confidential in the face of access requests from the public, other statutes also have a bearing on . . . access to phone records for audit purposes. Specifically, Neb. Rev. Stat. § 81-1117.02 (Reissue 1987) deals with the release of computer file data, which presumably includes phone records, by DAS. Subsection (2) of Section 81-1117.02 provides:
>
> > Any data which is a public record in its original form shall remain a public record when maintained in computer files and shall be provided to the Legislative Fiscal Analyst pursuant to section 50-420 and shall be made available to the Auditor of Public Accounts solely for use in the performance of audits prescribed by law.
>
> (emphasis added). Subsection (2) therefore appears to allow . . . access to computerized telephone records for audit purposes.[1]
>
> We do not believe that the Public Records Statutes, and in particular § 84-712.05 (11), form the basis to deny . . . access to legislative telephone records in light of § 81-1117.02(2). First of all, the application of section 84-712 itself is conditioned by the prefatory language in that statute which indicates that the Public Records Statutes apply "{e}xcept as otherwise expressly provided by statute." Moreover, courts will not give an interpretation to one statute which effectively nullifies another statute unless that is the clear legislative intent. Georgetowne v. Ltd. Partnership v. Geotechnical Services, Inc., 230 Neb. 22, 430 N.W.2d 34 (1988). If . . . {the Auditor is} denied access to the phone records in question on the basis of section 84-712.05(11), then section 81-1117.02(2) has, in essence, been nullified. We see no clear legislative intent to bring about that result.
>
> As a result, we agree . . . that section 84-712.05(11) must be read to prevent public access to legislative telephone records. We do not believe that statute also applies to deny . . . access to those documents in connection with a properly conducted audit which is authorized by statute. We would note that our conclusion with respect to this issue is generally consistent with a previous informal opinion of this office dated December 7, 1979, in which we determined that the Division of Communications and the Central Data Processing Division of DAS had a duty under section 81-1107.02 to release telephone call detail information to the Auditor of Public Accounts for the purpose of conducting audits.

Attorney General Opinion No. 92116 (Oct. 8, 1992).

In sum, there is no "point in the audit process" at which "senators' long distance telephone records lose their exempt status" since they are never exempt from the Public Records Act, and are always available to the Auditor of Public Accounts for audit purposes. Members of the general public may be denied access to the records at the discretion of the custodian of the records, and, as discussed more fully below, certain calls may be designated as confidential by Senators.

The second question presented is "If . . . I respond to the {Auditor's request for certain information regarding certain telephone calls} . . . do I waive any confidentiality rights I might have to those records{?}" This question is followed by a related query: "Does the fact that the telephone records are referenced in subsequent correspondence cause them to lose their exempt status?" Again, these questions are premised on a misreading of the applicable statutes. Records cannot lose "exempt status" which they never had. Correspondence between Senators and the Auditor fall within the broad definition of "public records." Such correspondence may be withheld from the public by Senators under § 84-712.05(11). However, this statute does not permit the Legislature to withhold records of expenditures of state funds or related information from the Auditor of Public Accounts. See Breslow v. Primeau. Nor does it prohibit disclosure by the Auditor of misuse of public funds, or disclosure of documents for which he is the custodian. The Auditor may lawfully withhold certain information concerning Legislative phone records from the public, and has, in fact, promised to do so with regard to the information sought from you.

Finally, you inquire as to the "legal authority and reasoning behind the conclusion reached in Mr. Comer's September 16, 1994, letter that the release of Senator Wesely's records by the State Auditor was authorized." The letter in question advised the Auditor of Public Accounts that "your letter of inquiry to Senator Wesely together with the details of specific long distance telephone records which are the subject of your inquiry {regarding irregularities in Senator Wesely's phone records} are public records under the pertinent Nebraska statutes which you may release to the public." (Letter from Assistant Attorney General Dale Comer to Auditor John Breslow, dated September 16, 1994).

As discussed in detail above, the phone records of Legislators fall within the statutory definition of "public records." See Neb. Rev. Stat. § 84-712.01.[2] However, they may be withheld from the public by their custodian. See § 84-712.05(11). Furthermore, pursuant to Neb. Rev. Stat. § 81-1120.27(3) (1993 Supp.) Legislators may conceal certain "sensitive or confidential" phone call records from the Auditor (except as to the date and the amount of the expenditures). However, audit reports and related correspondence may clearly be released to the public by the Auditor of Public Accounts, as there is no prohibition against such release under Nebraska law. In fact, Neb. Rev. Stat. § 84-712.05 (1993 Supp.) specifically provides that records which are otherwise qualified to be withheld from the public, including Legislative phone expense records, may be "disclosed by a public entity pursuant to its duties." The phone records of Senator Wesely referenced in the September 16 letter (concerning 365 calls to campaign offices and campaign ad agencies) were not designated by Senator Wesely as confidential. The 15 longer and more expensive calls to campaign offices which Senator Wesely attempted to conceal from the Auditor were not discussed in the September 16 letter. These 15 calls became public information during a criminal investigation, not through public release by the Auditor.

Finally, § 84-712.05(11) authorizes only the withholding from the public of "records of telephone calls related to the performance of duties by a member of the Legislature." (Emphasis added). Campaign related calls are not related to the performance of legislative duties. In addition, pursuant to § 81-1120.27(3) only calls which the Legislator or the caller would "reasonably expect" not to be disclosed may be designated as confidential. It is our opinion that Senators could not "reasonably expect" nondisclosure of calls which violate state law. Furthermore, the ability to designate calls as confidential and withhold information from the Auditor applies to Senators, not to Legislative employees conducting non-legislative business. See § 84-1120.27(3). Thus, it is likely that even information concerning the 15 calls which were not the subject of the September 16 letter could also have been disclosed by the Auditor of Public Accounts pursuant to Neb. Rev. Stat. § 84-712.05 (disclosure pursuant to duties) and § 84-304(1)(c)(iii) (Supp. 1993) (duty to report irregularities and misuse of public funds or property).

As this office has stated repeatedly over the course of the past two years, if the Legislature wishes to prevent public disclosure of certain information concerning Legislative phone records by the Auditor, it may do so by adopting statutory penalties for improper disclosure of legally confidential information. As was stated in the State of Nebraska's Reply Brief In Support of Motion for Summary Judgment as to Respondent Hall and the Respondent Class of State Legislators, p.8 (December 3, 1993), "There are other means for the protection of confidential information such as sanctions for its improper disclosure." "As the Attorney General stated at the hearing on this Motion for Summary Judgment, the Legislature could properly enact legislation to prohibit improper disclosure of confidential information obtained by the Auditor in the course of auditing the Legislature." Id. at 34. Any such legislation would, of course, have to adequately respect the Auditor's constitutional duties, as well as allow proper disclosure of information to law enforcement authorities.[3]

[1] We note that "public record" for purposes of section 81-1117.02 is defined in § 81-1117.04, independently from the public records statutes in § 84-712.

[2] Section 1 of LB 579 provided, in part, "The records used and compiled pursuant to this section shall not be considered public records for purposes of section 84-712 to 84-712.09." However, section 1 of LB 579 was declared unconstitutional in Breslow v. Primeau.

[3] We would note that no such protection now covers highly confidential communications of the State Patrol, Governor, Supreme

Court, Attorney General's Drug Prosecution or Child Protection Unit or any other agency; yet, to our knowledge, no improper disclosures have occurred. We further note that all information released by the Auditor to law enforcement authorities was properly released. But for the passage of time and the consequent running of the applicable statute of limitations, criminal charges would likely have resulted from the phone calls in question.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-1759-3

Opinion No. 94083

DATE: November 2, 1994

SUBJECT: Nebraska Constitution Article I, § 13 - Attendance of Victims at Trial

REQUESTED BY: Senator Carol McBride Pirsch

WRITTEN BY: Don Stenberg, Attorney General
Sam Grimminger, Deputy Attorney General

In relevant part, your proposed constitutional amendment would read, "A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant." You ask whether legislation implementing the foregoing "would necessarily conflict with or limit any 'attendance rights' of a victim under the open court provisions of Art. I, Sec. 13 of the constitution of the state of Nebraska." Neb. Const. art. I, § 13, provides, "All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and justice administered without denial or delay." It is presumed that your concern arises because under your proposed amendment, a victim-witness would be barred from being physically present in the courtroom during the period of time in which he or she would be sequestered.

If the proposed constitutional amendment is adopted, your proposed legislation would not run afoul of art. I, § 13, assuming, of course, that the legislation would conform to the proposed amendment. This is so because the proposed amendment would become part of the Nebraska Constitution and would, therefore, have the same footing as art I., § 13. The question then becomes whether there is a conflict between art.

I, § 13, and the proposed constitutional amendment and, if so, the result.

As the court explained in Jaksha v. State, 241 Neb. 106, 110-11, 486 N.W.2d 858, 863 (1992) (citation omitted):

> A constitutional amendment becomes an integral part of the instrument and must be construed and harmonized, if possible, with all other provisions so as to give effect to every section and clause as well as to the whole instrument. If inconsistent, a constitutional amendment prevails over a provision in the original instrument . . . .

The open courts provision was included within the original Nebraska Constitution. See First Trust Co. v. Smith, 134 Neb. 84, 106, 277 N.W. 762, 774 (1938). Whether one attempts to harmonize art. I, § 13, and the proposed constitutional amendment or views the proposed amendment as a specific exception to art. I, § 13, the result would be the same. A victim-witness could be sequestered under the specific language of your proposed amendment.

Sincerely,
DON STENBERG
Attorney General
(Signed) Sam Grimminger
Deputy Attorney General

14-038-10

Opinion No. 94099

DATE: December 12, 1994

SUBJECT: Correction of Technical Errors in Amendments to the Nebraska Constitution Proposed by Initiative Petition of the People

REQUESTED BY: E. Benjamin Nelson
Governor of Nebraska

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

At the general election on November 8, 1994, the people of the State of Nebraska approved amendments to the Nebraska Constitution which impose term limits on various state and federal officials. Those term limit amendments were proposed through an initiative petition effort of the people.

In your opinion request letter, you state that the petition language implementing constitutional term limits contains technical errors with regard to the placement of appropriate constitutional sections. Those errors are apparently acknowledged by the individuals who drafted the original petition. You then point out that Neb. Rev. Stat. § 32-712 (1993) requires you, as Governor, to proclaim, within 10 days of the completion of the Board of State Canvassers meeting, that any initiative measures which are approved by the voters of the state are in full force and effect as the law of the State of Nebraska. In connection with that proclamation process, you ask for our opinion as to whether:

> . . . these technical errors {in the constitutional amendments proposed by initiative petition} can be corrected and who has the proper legal authority to cure them. If your conclusion is that I have such authority, may the technical corrections be made in the proclamation? If I cure these errors and a lawsuit is subsequently filed against me for making the corrections, will you represent me in any such action?

For the various reasons discussed below, we do not believe that you have the authority to correct the technical errors in the petition as a part of your proclamation duties under § 32-712. However, we do believe that such errors may be cured as a part of the duties of the Nebraska Secretary of State and the Revisor of Statutes.

The technical errors described in your letter involve the amendments approved for Art. III, § 8, Art. IV, § 3 and Art. VII, § 15 of the Nebraska Constitution, which amendments generally impose term limits upon Nebraska legislators, state constitutional officers and state educational officers. In each of those amendments, the term limiting paragraph ends with language which makes the officer in question unable to serve in or ineligible to file for the office involved for a specified period after the expiration of the second of two consecutive terms "and as further provided in Article XV Section 20." Article XV, Section 20 of the Nebraska Constitution, as amended through the same petition effort in November, 1994, applies to federal officers. Article XV, Section 21 of the 1994 petition amendments, on the other hand, applies to the appointment of state officers. As a result, it appears clear that the reference to "Article XV Section 20" in the amendments at issue should actually be a reference to "Article XV Section 21." You ask if you can make that change in your proclamation under Section 32-712.

Art. III, § 4 of the Nebraska Constitution provides that an initiative measure to amend the Constitution "shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes." Moreover, the pertinent portions of Section 32-712 provide:

> The board of state canvassers shall canvass the votes upon each initiative or referendum measure in the same manner as is prescribed in the case of presidential electors. The Governor shall, within ten days of the completion of the canvass, issue his or her proclamation giving the whole number of votes cast in the state approving and rejecting each measure and declaring such measures as are approved by the constitutional number or majority of those voting to be in full force and effect as the law of the State of Nebraska from the date of such proclamation.

Therefore, the Governor's task under the Constitution and Section 32-712 is to declare, proclaim or publish the results of elections where initiative or referendum measures are proposed by the people.

Nebraska cases indicate that the election process is not complete until the election results are canvassed and declared according to law. State ex rel. Caldwell v. Peterson, 153 Neb. 402, 45 N.W.2d 122 (1950). In addition, constitutional amendments by initiative become effective, as noted above, upon certification by the Board of State Canvassers and proclamation by the Governor. Art. III, § 4, Constitution of Nebraska; Swanson v. State of Nebraska, 132 Neb. 82, 271 N.W. 264 (1937). However, the duty of declaring or publishing the results of an election is ministerial in nature. State v. Elder, 31 Neb. 169, 47 N.W. 710 (1891); 29 C.J.S. Elections § 237 (4); 26 Am. Jur. 2d Elections §304. In that regard, the Nebraska Supreme Court has indicated that ministerial acts may be enforced by mandamus since they do not involve judgment or discretion on the part of a state officer. State ex rel. Ball v. Hall, 130 Neb. 18, 263 N.W. 400 (1935). And, a ministerial act generally is defined as an act which a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority without regard to or the exercise of his or her judgment upon the propriety of the act being done. Gibson v. Winterset Community School Dist., 258 Iowa 440, 138 N.W.2d 112 (1966).

Since the Governor's function in declaring the results of an initiative election under the Constitution and Section 32-712 is ministerial in nature, we do not believe that you have authority to look behind the certification of the Board of State Canvassers to consider any technical defects in the initiative petition itself. In essence, your ministerial task is confined to publishing the results of the initiative election and declaring the initiative measure passed and in effect. Therefore, we believe that your proclamation pursuant to Section 32-712 should reflect the initiative language as presented to the petition signers, and we do not believe that you have authority to correct the technical errors enumerated in your letter.

While we do not believe that the Governor possesses the authority to correct technical errors in initiative petitions in the proclamation mandated by Section 32-712, that authority does rest with the Secretary of State and Revisor of Statutes in connection with the printing of constitutional amendments initiated by the people.

In addition to Section 32-712, Neb. Rev. Stat. § 32-704 (6) (1993) also deals with procedures subsequent to presentation of an initiative measure to the people:

> If any such measure shall, at the ensuing election, be approved by the people, then the copies of the petition filed with the Secretary of State and a certified copy of the Governor's proclamation declaring the same to have been approved by the people shall be identified and preserved. The Secretary of State shall cause every such measure and amendment to the Nebraska Constitution so approved by the people to be printed with the general laws enacted by the

> next ensuing session of the Legislature with the date of the Governor's proclamation declaring the same to have been approved by the people.

As a result, the Secretary of State has the authority, under Section 32-704 (6), to print amendments to the Nebraska Constitution initiated by the people.[1]

The Secretary of State is the keeper of the public records of the State in his office, and it is generally the duty of a recording officer to correct mistakes and to supply omissions in records whenever he discovers them from data in his office. 81 C.J.S. States §132; 76 C.J.S. Records § 21. In addition, the Secretary of State has broad general authority to enforce the provisions of the election laws under Neb. Rev. Stat. § 32-1052 (1993). See State ex rel. Wieland v. Beermann, 246 Neb. 808, ___ N.W.2d ___ (1994). Those general rules, together with the authority of the Secretary of State under Section 32-704 (6) to print amendments to the Nebraska Constitution subsequent to an election, lead us to conclude that the Secretary of State does have the necessary authority to make the technical corrections in the constitutional amendments in question when they are printed. Those corrections should be included in the printed version of the constitutional amendments at issue.

In addition, Neb. Rev. Stat. § 49-705 (2) (f) (1993) allows the Revisor of Statutes to "correct faulty internal references" in preparing the statutory supplements and statutory replacement volumes issued periodically by his or her office. Those materials published by the Revisor of Statutes include the provisions of the Nebraska Constitution. Since the technical errors in the term limits amendments referenced in your letter involve what are essentially faulty internal references, and since the authority for the Revisor of Statutes in Section 49-705 (2) (f) is not limited, on its face, to statutory provisions, we believe that the Revisor of Statutes, in consultation with the Secretary of State, has the authority to make the technical corrections in the term limits amendments referenced in your letter as those amendments are printed in the proper volume of the Nebraska Statutes.

Apart from the technical errors in the term limits amendments noted in your opinion request letter, we would also point out that there is an additional technical error in that initiative petition. The latter portion of the initiative petition purports to amend Article XV of the Nebraska Constitution by adding new Sections 19, 20, 21 and 22. However, there is currently a Section 19 in Article XV of the Nebraska Constitution which deals with local liquor licenses. Therefore, Sections 19, 20, 21 and 22 in Article XV of the initiative petition must be renumbered when they are placed in the Constitution as Sections 20, 21, 22 and 23 respectively. We believe that the Secretary of State clearly has authority to make that change in numbering as the amendments are printed, since the initiative petition in question itself states in its preamble that: THE CONSTITUTION OF THE STATE OF NEBRASKA SHALL BE AMENDED AS INDICATED; OR PLACED IN ARTICLES AND SECTIONS AS DETERMINED BY

COMPETENT AUTHORITY OF THE STATE AS FOLLOWS. (emphasis added).[2] That change will necessitate a further change in numbering in the paragraphs referenced in your letter.

In sum, we do not believe that you have authority to make the technical corrections in the initiative petition referenced in your letter as a part of your proclamation under 32-712, and your proclamation should set out the actual language of the initiative petition. However, the Secretary of State and the Revisor of Statutes should make the necessary technical corrections as the constitutional amendments are printed either in the bound volumes of statutes, in the statutory supplements, or separately. In that regard, we would suggest that the Secretary of State place an appropriate certification with the archival copies of the initiative petition and your proclamation in this instance to explain any changes in numbering in printed versions of the Constitution. It also might be appropriate to place a copy of this opinion with those materials.

[1] We would also note that Section 32-704 (6) supports our conclusion that the Governor does not have authority to correct technical errors in initiative petitions in his or her proclamation under Section 32-712. Section 32-704 (6) requires a copy of the original initiative petition to be preserved along with the Governor's proclamation of passage. If the Governor's proclamation contains corrected language for the constitutional amendments instituted by initiative, then the archival copies of those amendments would be inconsistent.

[2] We believe that this situation lends further support to our conclusion that the Secretary of State may correct the technical errors in the initiative petition described in your letter as the amendments are printed. As a result of the misnumbering in the latter portion of the initiative petition, the numerical references in the paragraphs set out in your letter which cross-reference the wrong constitutional section would have to be changed even if those errors had not occurred.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-26-14.op

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1994 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Republican Natural Resources District Duncan, Duncan, Jelken & Walker Attorneys	64.50
Upper Niobrara-White Natural Resources District	None

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
  Annual Report - Nebraska Geographic Information System Steering Committee as required by LB 639, 1991 (§§ 81-2601 - 81-2605)
  Information Systems Management Study, Preliminary Report (LB 991, 1994)
  Nebraska Intergovernmental Data Communications Advisory Council Annual Report and One and Five Year Plan as pursuant to Section 81-2313
  Preliminary Proposal addressing directive in LB 1224 (1994) to recommend common human services area
  State of Nebraska/Annual Budgetary Report

Auditor of Public Accounts, audit reports and/or management letters
  Administrative Services, Department of
  Administrative Services, Department of
  Administrative Services, Department of, Building Division
  Administrative Services, Department of, Task Force for Building Renewal
  Arts Council
  Arts Council
  Board of Examiners for Landscape Architects
  Brand Committee
  Commission on Law Enforcement and Criminal Justice
  Corn Development, Utilization and Marketing Board
  Correctional Services, Department of
  Corrections, Department of, Capital Construction Expenditures
  Education, Department of
  Environmental Quality, Department of
  Environmental Quality, Department of
  Fire Marshal
  Game and Parks Commission
  Health, Department of
  Historical Society, State
  Labor, Department of
  Labor, Department of
  Lieutenant Governor, Office of
  Lottery
  Motor Vehicle Industry Licensing Board
  Natural Resource Commission, Resources Development Fund

Public Employees' Retirement Systems
Public Employees' Retirement Systems State and County Employees' Retirement Plans
Public Institutions, Department of
Public Institutions, Department of
Railway Council, Revolving Fund Loans
Revenue, Department of, Charitable Gaming Division
Social Services, Department of
Social Services, Department of, State Ward Education Cost Reimbursement
State College Board of Trustees
State of Nebraska Comprehensive Annual Financial Report (CAFR)
State of Nebraska, Management Letter
State of Nebraska Single Audit Report
State Patrol Investigative and Auto Theft Cash Funds
Supreme Court
Veterans' Affairs, Department of

Child Support Study Committee, Governor's
Report of findings and recommendations (LB 1224, 1994)

Correctional Services, Department of
Annual Report (LB 663, 1990)

Creighton University
Increasing the Primary Care Physician Supply, response to LB 1223, 1994

Energy Office, Nebraska
Quarterly Reports, Natural Gas Revolving Loan Fund as required by Section 010 of the regulations for the Municipal Natural Gas Regulation Act (Sec. 19-4617, R.R.S. 1943) for quarters ending March 31, June 30, and September 30, 1994

Environmental Quality, Department of
Annual Report pursuant to LB 528, 1991
Program #518 - Construction Grants Program, in accordance with the provisions of Section 81-1533
Program #523 - Small Town Grants Program, in accordance with the provisions of Section 81-15,153
Status of Review of Ecol Partners as per section 81-15,101(3) (Low-Level Radioactive Waste Disposal Act)
Title 194 - Rules and Regulations for the Disposal of Low-Level Radioactive Waste, amended effective date: June 26, 1994
Title 194 - Rules and Regulations for the Disposal of Low-Level Radioactive Waste, amended effective date: November 9, 1994

Equal Opportunity Commission
Legal Expenses for FY93-94 (LB 991, 1994)

Ethanol Board, Nebraska
  Ethanol Producer Incentive Cash Fund (EPIC) (Section 66-1345)

Foster Care Review Board, State
  Annual Report pursuant to Section 43-1303(4), R.R.S.

Health, Department of
  Trauma Care System Development Project (LB 1223, 1994)

Historical Society, State
  Annual Report
  Progress Report to the Legislature (LB 1022, 1992)

Information Technology Commission, Nebraska
  Final Report, Executive Summary

Interstate Agricultural Grain Marketing Commission
  1993 Annual Report

Investment Council
  North Ireland investments received December 21, 1994 (LB 1066, 1994)

Investment Finance Authority, Nebraska, (NIFA)
  Agricultural Division Loans for FY July 1, 1993 though June 30, 1994 pursuant to Nebraska Revised Statute Section 58-246
  Notice of bond issuance (A-D Single Family) pursuant to Neb. Rev. Stat. § 58-270(3)
  Notice of bond issuance (A1-B1 Single Family) pursuant to Neb. Rev. Stat. §58-270(3)
  Notice of bond issuance (Single Family Housing Revenue Bonds) pursuant to Neb. Rev. Stat. § 58-270
  Notice of bond issuance (Single Family Mortgage Revenue Bonds) pursuant to Neb. Rev. Stat. § 58-270
  Quarterly Reports - Community Development Loan Notes pursuant to Neb. Rev. Stat. § 58-270(4) received May 10, August 9, and November 4, 1994
  Quarterly Reports - 1994 A-D Single Family Issue pursuant to Neb. Rev. Stat. § 58-270(4) received August 24 and November 3, 1994
  Quarterly Report - 1994 A1-B1 Single Family Issue pursuant to Neb. Rev. Stat. § 58-270(4)
  State Revolving Fund Issue pursuant to Neb. Rev. Stat. §58-270

Labor, Department of
  State, Omaha, and Lincoln Labor Area Summaries, Nonmetropolitan Area LMA's, and Nebraska monthly report on labor force and unemployment for April, June, August, and October 1994

Liquor Control Commission
  Report on keg registration (LB 332, 1993)

Medical Center, University of Nebraska
  Enhancing Primary Care and Psychiatry Postgraduate Residency Training Programs Report in response to LB 1223, 1994
  Rural Health Opportunities Program (RHOP) Loan Report (LB 505, 1993)

Military Department
  National Guard: Defending the Nation and the States

Natural Resources Commission
  Annual Report and Plan of Work (Section 2-15,106)
  1994 Biennial Report on the Nebraska Resources Development Fund in accordance with Section 2-1588 R.R.S., 1943 of the Nebraska Resources Development Fund Act

Nebraska, State of
  Comprehensive Annual Financial Report

Ombudsman (Office of the Public Counsel)
  Annual Report (Section 81-8.251, R.R.S. 1943)

Parole, Board of
  Annual Report

Power Review Board
  Biennial Report

Public Service Commission
  Annual Report on Telecommunications (LB 835, 1986)

Research and Development Authority
  Report of Special Review Panel (LB 850, 1986)

Revenue, Department of
  Database on corporate income tax returns (LB 991, 1994)
  Monthly Consensus Estimates, July 14, 1994 (R.S.Supp., 1993, 77-4601)
  Nebraska Lottery, Annual Report (LB 138, 1993)
  Report of Examination of NE Auditor of Public Accounts for year ended June 30, 1993 (§ 81-106)
  Report of FY 1993-94 LB 1059 (1990) Tax Receipts (LB 991, 1994)
  1991 Nebraska Tax Burden Study (LB 719A, 1992)

Roads, Department of

Board of Public Roads Classifications and Standards, Minutes for March 18, April 15, May 20, June 17, July 15, September 16, October 28, and November 18, 1994
Board of Public Roads Classifications and Standards, 1994 Minimum Design Standards rules and regulations
Highway Cash fund and Roads Operation Cash fund for April, May, June, July, August, September, October, and November 1994 (section 66-4,144, R.S. Supp. 1992)
Recreation Roads One- and Five-Year Programs (Section 39-1392 R.R.S. 1943)
State Highway Commission Quarterly Reports for the periods ending March, June, and September 1994 (Section 39-1111, 1988)
1994 State Highway Plan and Needs Report (Section 39-1365.02, 1988 Supplement)

Rural Development Commission
Final Report - 1993 Nebraska Tribal Development Summit

School Finance Review Committee
Annual Report (LB 1059, 1990)

Social Services, Department of
Child Care and Development Annual Report: Executive Summary, Fiscal Year 1993-1994
Combined report on LB 804, 1994, Limitations on Medicaid Optional Service, and LB 808, 1994, Cost Sharing in the Medicaid Program
Community Service Programs Annual Report (LB 227, 1992, Neb.Rev.Stat. 68-155.9)
Disabled Persons and Family Support Program Annual Report (Section 68-1518, Reissue Revised Statutes of Nebraska, 1943)
Nebraska's Welfare Reform Waiver (LB 1224, 1994)
Report of the Governor's Welfare Reform Task Force (LB 804, 1993)

Treasurer, State
Biennial Report (Sec. 84-602)
Treasurer's Report for May 1994

University of Nebraska
Nebraska Research Initiative (NRI) Report

Welfare Reform Task Force
Report from the Governor's Roundtable (LB 1224, 1994)

Workers' Compensation Court, Nebraska
Annual Report (Section 48-166, Reissue Revised Statues, 1943)

COMMUNICATIONS

Received a copy of Joint Memorial No. 112 from the Senate of Idaho regarding the federal Safe Drinking Water Act.

Received a copy of H.P. 1489, Joint Resolution from the State of Maine memorializing the state legislatures of the United States to support military and civilian dual use of military facilities.

Received a copy of Senate Concurrent Resolution No. 1620 from the State of Kansas regarding an amendment to the Constitution of the United States requiring the federal government to pay costs incurred by states in providing programs and services mandated or required by the federal government.

Received a copy of House Concurrent Resolution No. 5031 from the State of Kansas requesting the Kansas Attorney General to recommend to the Legislature whether to join in an action in the United States Supreme Court to obtain information about Kansas POWS/MIAS in Southeast Asia.

Received a copy of Senate Joint Resolution No. 372 from the State of Tennessee regarding an amendment to the Constitution of the United States providing that no court shall have the power to levy or increase taxes.

Received a copy of House Joint Resolution 94-1026 from the Colorado House of Representatives regarding filing an action jointly with other supportive states concerning POWS and MIAS in southeast Asia.

Received from the Colorado House of Representatives a copy of House Joint Resolution 94-1027 concerning legal action by the Colorado Attorney General to challenge federal authority over states and a copy of House Joint Resolution 94-1035 concerning the Tenth Amendment to the Constitution of the United States and asserts the sovereignty of the State of Colorado.

Received a copy of Senate Concurrent Resolution No. 21 from the State of Missouri proposing an amendment to the Constitution of the United States to prohibit the federal government from requiring the states to pay the cost of new or increased programs or activities.

Received a copy of House Joint Resolution No. 86 from the State of Illinois requesting the Illinois Attorney General to file a cause of action concerning POWS and MIAS in southeast Asia.

Received a copy of Senate Concurrent Resolution No. 11 from the State of Louisiana regarding an amendment to the Constitution of the United States which would provide that no federal tax shall be imposed for the period before the date of the enactment of the tax.

Received a copy of House Concurrent Resolution No. 1081 from the State of Oklahoma relating to the NCAA Initial-Eligibility Clearinghouse.

Received a copy of House Resolution No. 2540 from the State of Illinois concerning the Tenth Amendment of the Constitution of the United States and asserts the sovereignty of the State of Illinois.

Received a copy of House Resolution No. 1 from the State of Louisiana claiming sovereignty under the Tenth Amendment of the Constitution of the United States and to demand that the government of the United States cease and desist from the promulgation of mandates that are beyond the scope of its constitutional powers.

Received a copy of Senate Joint Resolution No. 44 from the California Legislature claiming sovereignty under the Tenth Amendment of the Constitution of the United States and demand that the government of the United States cease and desist mandates that are beyond the scope of constitutionally delegated powers.

Received a copy of Senate Resolution No. 1279 from the Illinois State Senate claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution.

Received a copy of Senate Resolution No. 32 from the Commonwealth of Kentucky claiming sovereignty for the Commonwealth of Kentucky over all powers not granted to the federal government by the United States Constitution and demanding that the federal government cease its mandates to the states that are beyond the scope of its constitutionally delegated powers.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Mrs. Crosby offered the following Committee on Committees report:

Agriculture - Dierks, Chairperson

Chambers
Cudaback
Elmer
Hudkins
Schellpeper
Schmitt
Vrtiska

Appropriations - Wehrbein, Chairperson

Brashear
Brown
Crosby
Engel
Hillman
Lynch
Maurstad
Schrock

Banking, Commerce and Insurance - Landis, Chairperson

Bromm
Jensen
Jones
Lindsay
Robak
Wesely
Witek

Business and Labor - Abboud, Chairperson

Chambers
Dierks
Preister
Schimek
Schmitt
Vrtiska

Education - Bohlke, Chairperson

Bernard-Stevens
Beutler
Janssen
McKenzie
Stuhr
Warner
Wickersham

General Affairs - Schellpeper, Chairperson

Cudaback
Elmer
Hall
Hartnett
Hudkins
Robinson
Will

Government, Military and Veterans Affairs - Robinson, Chairperson

Bernard-Stevens
Cudaback
Janssen
Schmitt
Stuhr
Vrtiska
Witek

Health and Human Services - Wesely, Chairperson

Day
Dierks
Jensen
Matzke
Pirsch
Schimek

Judiciary - Lindsay, Chairperson

Abboud
Chambers
Fisher
Hall
Hudkins
Pedersen
Robak

Natural Resources - Beutler, Chairperson

Avery
Bohlke
Bromm
Elmer
Jones
McKenzie
Preister

Nebraska Retirement Systems - Wickersham, Chairperson

Crosby
Lynch
Robak
Wehrbein
Witek

Revenue - Warner, Chairperson

Coordsen
Hartnett
Kristensen
Landis
Schellpeper
Wickersham
Will

Transportation - Kristensen, Chairperson

Avery
Coordsen
Day
Fisher
Matzke
Pedersen
Pirsch

Urban Affairs - Hartnett, Chairperson

Abboud
Hall
Preister
Robinson
Schimek
Will

Rules - Will, Chairperson

Beutler
Bromm
Lindsay
Matzke

Intergovernmental Cooperation - Avery, Chairperson

Abboud
Day
Pedersen
Schmitt
Wesely

Laid over.

ANNOUNCEMENT

Mrs. Crosby announced the Committee on Committees elected Mr. Bernard-Stevens as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to employment security; to amend sections 48-606.01, 48-617 to 48-619, 48-625 to 48-627, 48-628.03, 48-661, 81-1201.21, and 85-1540, Reissue Revised Statutes of Nebraska, and sections 48-621, 48-628, 48-652, and 48-655, Revised

Statutes Supplement, 1994; to standardize the numbering system of the sections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 2. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to historic preservation; to eliminate the Task Force on Historic Preservation; and to outright repeal sections 82-501 to 82-507, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 3. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to support; to amend section 43-512.03, Revised Statutes Supplement, 1994; to correct erroneous deletion of a term made in 1994 as part of the enrollment and review process; and to repeal the original section.

LEGISLATIVE BILL 4. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Private Postsecondary Career School Act; to amend sections 79-2801 to 79-2808, 79-2810 to 79-2838, 79-2842 to 79-2846, 79-2848 to 79-2853, and 79-2855 to 79-2863, Reissue Revised Statutes of Nebraska; to transfer sections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 5. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend sections 79-2901 to 79-2909, 79-2910 to 79-2959, and 79-2961 to 79-2964, Reissue Revised Statutes of Nebraska; to transfer sections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 6. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to trailers; to amend section 60-6,246, Reissue Revised Statutes of Nebraska; to delete an incorrect section reference; and to repeal the original section.

LEGISLATIVE BILL 7. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to public funds; to amend sections 2-115, 2-1070, 2-1503.01, 2-1547, 2-1577, 2-1587, 2-1808, 2-2317, 2-2408.02, 2-2705, 2-2705.01, 2-3110, 2-3322, 2-3413, 2-3521, 2-3633, 2-3763, 2-3812, 2-3814, 2-3911, 2-4018, 3-126, 3-156, 8-1120, 35-601, 37-202.03, 37-428, 37-1305, 39-846, 39-1390, 39-2401, 43-1906, 44-707.03, 46-670, 46-1121, 48-617, 48-620, 48-1707, 48-1810, 50-437, 51-606, 54-147, 54-857, 54-1173, 54-1371, 54-2004, 55-131, 60-305.14, 60-1409, 66-1224, 68-301, 68-723, 71-1,237, 71-1,243, 71-1,257, 71-1,268, 71-1,283, 71-1,288, 71-222.02, 71-381, 71-2016, 71-2201, 71-4718, 71-4732, 71-6116, 71-6228, 72-202, 72-232.07, 74-1317, 77-3,111, 77-2365, 79-340, 79-1345, 79-1910.01, 79-2009.01, 79-2107, 79-3363, 80-301.02, 80-401, 81-161.06, 81-201.05, 81-2,147.11, 81-2,162.27, 81-2,164.03, 81-2,174, 81-2,237, 81-815.30, 81-815.45, 81-815.51, 81-815.52, 81-829.42, 81-845, 81-8,107, 81-8,110.07, 81-8,225, 81-8,239.03, 81-8,239.09, 81-8,260.02, 81-912, 81-1108.02, 81-1108.24, 81-1117, 81-1120, 81-1120.22, 81-1120.40, 81-1201.22, 81-1354.03 to 81-1354.05, 81-1414.04, 81-15,103, 81-15,143, 81-15,161.01, 81-15,183, 81-1635, 81-1835, 81-2004, 81-2004.02, 81-2013, 81-2236, 81-2272, 82-108.02, 83-121, 83-129, 83-169, 83-210.01, 84-133, 84-219, 84-220, 84-414, 84-613, 84-907.03, 84-1227, 85-113, 85-168, 85-192, 85-606.01, 88-552, and 90-248, Reissue Revised Statutes of Nebraska, and sections 1-111, 2-1208.04, 2-15,122, 9-811.01, 32-204, 33-102, 43-1321, 45-127, 46-1403, 48-1,103, 48-622.01, 48-622.02, 48-2115, 50-114.05, 69-1317, 71-1,206.13, 71-5661, and 71-7528, Revised Statutes Supplement, 1994; to delete internal references to sections repealed in 1994; to harmonize internal references; and to repeal the original sections.

LEGISLATIVE BILL 8. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to public buildings; to amend section 81-177, Reissue Revised Statutes of Nebraska; to substitute section references to current law for a reference to a chapter and article from which all sections have been repealed or transferred; and to repeal the original section.

LEGISLATIVE BILL 9. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1994; to eliminate references to a repealed statute; to harmonize provisions; to repeal the original section; and to outright repeal section 77-27,186.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 10. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to county-city jails; to amend section 47-303, Reissue Revised Statutes of Nebraska; to correct an internal reference; and to repeal the original section.

LEGISLATIVE BILL 11. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to beef industry development; to eliminate obsolete transition provisions; and to outright repeal sections 54-2120 to 54-2126, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 12. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to veterans; to amend section 80-304.01, Reissue Revised Statutes of Nebraska; to eliminate a reference to a statute repealed in 1974; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 13. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to evidence; to amend sections 86-708 and 86-711, Reissue Revised Statutes of Nebraska; to substitute references to sections that were repealed in 1975; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Governor's Policy Research Office; to repeal an obsolete provision directing the substitution of certain phrases in the statutes; and to outright repeal section 84-140.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 15. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to state government; to amend section 81-2004.05, Reissue Revised Statutes of Nebraska; to eliminate provisions providing for transfers of property, personnel, and funds between agencies of state government; to eliminate provisions which required a duty to be performed by a specified date which has passed; to harmonize provisions; to repeal the original section; and to outright repeal sections 81-701.06, 81-815.54, 81-1122, 81-1429.02, 81-15,112.02, 81-2004.01, and 81-2004.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 16. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-104, Revised Statutes Supplement, 1994; to harmonize provisions with Laws 1994, LB 414; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-27,147, Revised Statutes Supplement, 1994; to harmonize provisions with Laws 1994, LB 123, and Laws 1994, LB 1207; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 18. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 23-3406, 23-3408, 27-609, 27-803, 28-104, 28-105, 28-201, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2282, 29-2801, 29-3205, and 55-480, Reissue Revised Statutes of Nebraska, and sections 24-1106, 25-1140.09, 29-2020, and 29-2407, Revised Statutes Supplement, 1994; to state the findings of the Legislature; to eliminate the death penalty; to eliminate the requirement that a transcript of the trial proceeding and briefs be provided to the defendant at county expense; to provide for life imprisonment without the possibility of parole and with order of restitution or life imprisonment; to provide factors for the determination of sentence and mitigating circumstances; to state the intent of the Legislature with regard to death sentences not yet carried out; to change provisions relating to an order of restitution; to eliminate provisions concerning the imposition of the death penalty, special procedures relating to the death penalty, and certain stay provisions; to eliminate an obsolete provision; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2542, 29-2544, 29-2545, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 24-1105, 29-2543, and 29-2546, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 19. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of judges in the separate juvenile courts; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to define terms; to provide duties for employers of non-English-speaking employees; to provide powers and duties for the Commissioner of Labor; and to provide penalties and damages.

LEGISLATIVE BILL 21. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 23-2525, 23-2531, 48-1101, 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and section 23-2541, Revised Statutes Supplement, 1994; to define a term; to change provisions relating to employment discrimination based on sexual orientation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 22. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate the offense of adultery; and to outright repeal section 28-704, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 23. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-114, 75-115, 75-117, 75-124, 75-129, 75-309.03, and 75-358, Reissue Revised Statutes of Nebraska, and sections 75-109, 75-112, 75-113, 75-116, 75-118, 75-127, 75-128, 75-131, 75-132, 75-133, 75-136, 75-136.01, 75-302, 75-303, 75-304, 75-304.01, 75-305, 75-306, 75-309, 74-311, and 75-348, Revised Statutes Supplement, 1994; to change enforcement provisions; to provide and eliminate provisions relating to administrative penalties; to repeal the original sections; and to outright repeal sections 75-322.02 to 75-322.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 24. Introduced by Chambers, 11; Beutler, 28.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-802 and 86-808, Reissue Revised Statutes of Nebraska; to authorize regulation of cellular and other mobile telecommunication services; and to repeal the original sections.

LEGISLATIVE BILL 25. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to hearing-impaired persons; to amend sections 71-4720, 71-4727, 71-4728, 71-4729, and 71-4732, Reissue Revised Statutes of Nebraska; to ensure duties for the Commission for the Hearing Impaired and the Department of Public Institutions; to ensure full access to comprehensive mental health, alcoholism, and drug abuse services for hearing-impaired persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 26. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3801, Reissue Revised Statutes of Nebraska; to define a term relating to financial institution taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-804 and 13-807, Reissue Revised Statutes of Nebraska; to change provisions relating to public agency powers and contractual authority; and to repeal the original sections.

LEGISLATIVE BILL 28. Introduced by Warner, 25.

A BILL FOR AN ACT relating to campaign contributions; to amend sections 9-834, 9-835, and 49-1401, Revised Statutes Supplement, 1994; to require disclosure by certain lottery vendors; to provide restrictions on contracts for major procurements; to state intent; to prohibit contributions by lottery contractors as prescribed; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 29. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to postsecondary educational institutions; to require reimbursement of default cost fees as provided; to create a fund; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 30. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-302.01, 60-303, 60-305.04, 60-305.11, 60-305.15, 60-310, 60-311.02, 60-311.14, 60-311.21, 60-315, 60-318, 60-344, 60-1411.03, 60-1803, 60-1807, 70-651.05, 77-202.02, 77-202.04 to 77-202.06, 77-202.25, and 79-3809, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-106, 60-302, 60-320, 66-4,128, 77-201, 77-202, 77-202.01, 77-202.03, 77-202.24, 77-1201, 77-1202, 77-1736.08, 77-3437, and 77-4501, Revised Statutes Supplement, 1994; to define terms; to impose fees on motor vehicles; to provide exemptions from the fees; to provide fee schedules; to eliminate provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-1806, 77-202.08, and 77-1242.02, Reissue Revised Statutes of Nebraska, and sections 77-1238 to 77-1239.02, 77-1239.05, 77-1239.06, 77-1240.01, 77-1240.03, 77-1240.04, 77-1241.01, and 77-1242.01, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 31. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1994; to provide an income tax adjustment for federal governmental pensions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 32. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to midwives; to amend section 33-150, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-116, 71-139.02, 71-162, and 71-2601, Revised Statutes Supplement, 1994; to provide for licensure of midwives; to create a board and a fund; to provide fees; to provide an additional member for the State Board of Health; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fees; to amend sections 33-150 and 33-151, Reissue Revised Statutes of Nebraska; to change the percentage amount of certain fees credited to the General Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 34. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the State Department of Education; to create the position of Director of Library Media Services; and to declare an emergency.

LEGISLATIVE BILL 35. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-215.03 and 37-227, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994; to authorize the refund of hunting permit fees as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 36. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to plumbing; to amend sections 18-1901 and 18-1903, Reissue Revised Statutes of Nebraska; to change provisions relating to cities of the primary class; to change requirements for the board for the examination of plumbers; and to repeal the original sections.

LEGISLATIVE BILL 37. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-302, 60-302.04, 60-312, 60-328, 60-330.02, 60-528, and 60-1803, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-305.09, 60-348, and 77-2716.02, Revised Statutes Supplement, 1994; to change provisions relating to proof of financial responsibility; to change provisions relating to certificates of registration; to require proof of financial responsibility; to provide and eliminate penalties; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 60-570, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 38. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to double the fine for moving traffic violations occurring in a construction zone; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 39. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-502, Reissue Revised Statutes of Nebraska; to require the delegation of certain authority upon application; and to repeal the original section.

LEGISLATIVE BILL 40. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend sections 29-209, 29-3501 to 29-3503, 29-3508, 29-3512, 29-3516, 29-3518, 29-3524 to 29-3528, and 81-1423, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fingerprints; to define and redefine terms; to change provisions relating to reporting under the act; to establish the Nebraska Crime Information System; to provide duties for the system, the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, courts, and correctional facilities; to provide for and change provisions relating to fees; to provide for and change provisions relating to rules and regulations; to provide for and eliminate duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1994; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 42. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska; to change provisions relating to the abatement and removal of nuisances; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 18-1714, 23-2519, 48-126.01, 55-120, 60-6,164, 68-703, 81-829.31, 81-829.36 to 81-829.43, 81-829.45 to 81-829.62, 81-829.64, 81-829.65, 81-829.69, 81-829.70, 81-829.72, 81-829.73, 81-1120.17, 81-1120.25, and 86-702, Reissue Revised Statutes of Nebraska, and sections 2-4901, 18-1712, 31-727, 31-740, 31-744, 48-115, 71-5120, 71-7318, and 77-3439, Revised Statutes Supplement, 1994; to add, change, and eliminate provisions relating to civil defense; to provide for emergency management services and operations; to provide for expenditures for aerial fire suppression; to eliminate an oath, and provisions relating to assent to a federal law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-829.44, 81-829.63, and 81-829.74, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 44. Introduced by Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1994; to provide waiver of coverage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-509, 77-201, 77-202, 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 1994; to exempt personal property other than motor vehicles from property taxation; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 46. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 21-1903 and

49-1407, Reissue Revised Statutes of Nebraska, and section 49-14,101, Revised Statutes Supplement, 1994; to redefine a term; to change restrictions on public officials and employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to education; to amend section 79-444, Reissue Revised Statutes of Nebraska; to change provisions relating to entrance into the beginner grade; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-814.01, Revised Statutes Supplement, 1994; to change the maximum amount for change cash funds; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 1CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law; and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.
For
Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 12:23 p.m. until 12:38 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 49. Introduced by Landis, 46; Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3439, Revised Statutes Supplement, 1994; to change limitations on property tax receipts; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-622 and 70-667, Reissue Revised Statutes of Nebraska; to require recording of board meetings; to require a hearing prior to construction of a new transmission line; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 51. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1446, Reissue Revised Statutes of Nebraska, and section 76-1442, Revised Statutes Supplement, 1994; to provide for trial only by the court without a jury; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 53. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Constitution of Nebraska; to establish the Nebraska Constitutional Revision Commission; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 54. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to replacement water wells; to amend section 46-602, Revised Statutes Supplement, 1994, to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 55. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104, 43-106, 43-107, 43-112, 43-115, and 43-146.01, Reissue Revised Statutes of Nebraska; to change provisions relating to consents; to change provisions relating to a fee; to provide for recognition of decrees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 56. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges; to amend section 24-708, Revised Statutes Supplement, 1994; to change provisions relating to retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 57. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-806, Reissue Revised Statutes of Nebraska; to change provisions relating to public indecency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1994; to change the definition of employee or worker; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,162, 60-6,219, 60-6,225, 60-6,226, 60-6,227, and 60-6,232, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of signals and lights; and to repeal the original sections.

LEGISLATIVE BILL 60. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to game and parks; to amend section 37-202.01, Reissue Revised Statutes of Nebraska; to change provisions relating to lifetime license fees; and to repeal the original section.

LEGISLATIVE BILL 61. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change duties; and to repeal the original section.

LEGISLATIVE BILL 62. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Nebraska State Patrol safety education/crime prevention officers.

LEGISLATIVE BILL 63. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Revised Statutes Supplement, 1994; to prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy; and to repeal the original sections.

LEGISLATIVE BILL 64. Introduced by Schmitt, 41; Coordsen, 32; Lynch, 13; Preister, 5; Wickersham, 49.

A BILL FOR AN ACT relating to veterans; to amend section 80-302, Reissue Revised Statutes of Nebraska; to change provisions relating to membership applications to Nebraska veterans homes; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 65. Introduced by Kristensen, 37; Wehrbein, 2.

A BILL FOR AN ACT relating to elections; to amend sections 32-710, 32-714, and 32-1038, Revised Statutes Supplement, 1994; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 66. Introduced by Wickersham, 49; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2708, 77-2701.02, 77-27,132, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 18-2713, 77-2704.31, 77-2711, and 77-27,137.01, Revised Statutes Supplement, 1994; to eliminate the Local Option Revenue Act; to change the sales and use tax rate; to create a fund and provide for its distribution to municipalities; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-27,142 to 77-27,142.02, 77-27,142.04 to 77-27,146, and 77-27,148, Reissue Revised Statutes of Nebraska, and sections 77-27,142.03 and 77-27,147, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 67. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 84-202, 84-203, and 84-207, Reissue Revised Statutes of Nebraska, and 84-205, Revised Statutes Supplement, 1994; to change the powers and duties of the Attorney General; to repeal the original sections; and to outright repeal section 84-208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 68. Introduced by Schimek, 27; Brown, 6; Day, 19; Hillman, 48; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to insurance; to require coverage for mammograms as prescribed.

EASE

The Legislature was at ease from 12:43 p.m. until 12:58 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 69. Introduced by Witek, 31; Pirsch, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-207, 32-209, 32-210, 32-213, and 32-214, Revised Statutes Supplement, 1994; to change provisions relating to election commissioners and chief deputy election commissioners as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 70. Introduced by Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Schools Accountability Commission; to amend sections 79-4,239 and 79-3369, Reissue Revised Statutes of Nebraska; to eliminate the commission and a cash fund; to repeal the original sections; and to outright repeal sections 79-4,234 to 79-4,238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 71. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to persons under eighteen years of age; to amend section 29-424, Reissue Revised Statutes of Nebraska, and sections 29-401 and 43-2,129, Revised Statutes Supplement, 1994; to restrict court action unless an adult is present as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 72. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Reissue Revised Statutes of Nebraska; to change provisions relating to the employment of minors as servers and sellers of alcoholic liquor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to provide for purchases without competitive bidding as prescribed.

LEGISLATIVE BILL 74. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to parolee supervision; to amend sections 29-2246, 83-1,102, 83-1,103, and 83-1,116, Reissue Revised Statutes of Nebraska; to provide for a parole supervision fee to be paid by parolees; to eliminate duties of parole officers and references to probation in parole statutes; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-1,104, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 75. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska; to change review procedures for release of a committed offender; and to repeal the original section.

LEGISLATIVE BILL 76. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1994; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 77. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to employment security; to amend sections 48-602 and 48-628, Revised Statutes Supplement, 1994; to define terms; to change conditions which disqualify temporary help employees from receiving benefits; and to repeal the original sections.

LEGISLATIVE BILL 78. Introduced by Day, 19.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-809, Reissue Revised Statutes of Nebraska, and section 30-810, Revised Statutes Supplement, 1994; to allow for a wrongful death action upon the death of a viable fetus as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Day, 19.

A BILL FOR AN ACT relating to sentencing; to amend section 28-106, Revised Statutes Supplement, 1994; to change provisions relating to service of misdemeanor sentences; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 3CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 28:

IV-28 "~~A Tax Commissioner~~ By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor ~~with the advice and consent of the Senate. He~~ as provided by the Legislature. The commission shall have jurisdiction over ~~the administration of~~ disputes regarding the revenue laws of the state ~~, and together with the Governor, Secretary of State, State Auditor and State Treasurer~~ as provided by law. The commission shall have power to review and equalize assessments of property for taxation within the state~~. He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His term~~ The terms of office and compensation of members of the commission shall be as provided by law.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to establish and provide powers and duties for the Tax Equalization and Review Commission and to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 4CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 14:

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and ~~read at large~~ presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act ~~contain~~ contains the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while ~~the same~~ it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected to the Legislature.
>
> For
>
> Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 80. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to railroad safety; to amend sections 74-1302 and 74-1305, Reissue Revised Statutes of Nebraska; to eliminate the termination date for railroad transportation safety districts; to harmonize provisions; to repeal the original sections; and to outright repeal section 74-1309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 81. Introduced by Cudaback, 36; Dierks, 40; Schellpeper, 18; Avery, 3; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1994; to provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish, and harvest fur as prescribed; to eliminate provisions relating to revocation and disqualification for licenses, permits, and stamps to provide a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 37-216.03, Reissue Revised Statutes of Nebraska, and section 37-207, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 82. Introduced by Cudaback, 36; Dierks, 40; Hartnett, 45; Janssen, 15; Pedersen, 39; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Cudaback, 36; Bohlke, 33; Hillman, 48; Hudkins, 21; Schimek, 27.

A BILL FOR AN ACT relating to electrologists; to amend sections 33-150, 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-131, 71-147, 71-148, and 71-162, Revised Statutes Supplement, 1994; to adopt the Electrolysis Practice Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 84. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of judges in the separate juvenile courts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 85. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to dangerous dogs; to amend section 54-617, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend section 13-1619, Reissue Revised Statutes of Nebraska; to change provisions relating to fund disbursements; and to repeal the original section.

EASE

The Legislature was at ease from 1:10 p.m. until 1:25 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 87. Introduced by Crosby, 29; Preister, 5.

A BILL FOR AN ACT relating to animal pests; to eliminate provisions relating to the presence and extermination of prairie dogs; and to outright repeal sections 2-1062 and 2-1063, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 88. Introduced by Hillman, 48; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-515, Revised Statutes Supplement, 1994; to exempt irrigation districts from the act; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Act; to amend section 79-2106, Reissue Revised Statutes of Nebraska; to provide for fees; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 90. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to county courts; to amend section 25-2705, Reissue Revised Statutes of Nebraska; to eliminate trial by jury for certain criminal cases in county court as prescribed; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to transcripts; to amend sections 14-813 and 19-2424, Reissue Revised Statutes of Nebraska; to change provisions relating to the costs of transcripts of certain municipal proceedings; and to repeal the original sections.

LEGISLATIVE BILL 92. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to utility services; to amend sections 86-329 and 86-331, Reissue Revised Statutes of Nebraska; to provide a penalty for unauthorized reconnections; to change provisions relating to prima facie evidence of guilt; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-105, Reissue Revised Statutes of Nebraska; to change provisions relating to city council meetings and voting; and to repeal the original section.

LEGISLATIVE BILL 94. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to irrigation; to amend section 46-261, Reissue Revised Statutes of Nebraska; to change provisions relating to recording gauges; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1994; to exempt purchases by public museums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 96. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Supplement, 1994; to change provisions relating to transactions exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-105, 1-206, 4-104, 5-114, 9-103, 9-105, 9-106, 9-203, 9-301, 9-302, 9-304, 9-305, 9-306, 9-309, 9-312, and 10-104, Uniform Commercial Code; to adopt uniform provisions relating to investment securities and secured transactions; to eliminate provisions governing investment securities; to eliminate the Uniform Act for Simplification of Fiduciary Security Transfers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-3301 to 30-3311, Reissue Revised Statutes of Nebraska, and sections 8-101 to 8-108, 8-201 to 8-208, 8-301 to 8-321, and 8-401 to 8-408, Uniform Commercial Code.

LEGISLATIVE BILL 98. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-104 and 37-105, Reissue Revised Statutes of Nebraska; to change provisions relating to hunter and bow education programs; to provide a penalty; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Wickersham, 49; Bohlke, 33; Bromm, 23; Elmer, 44; Hillman, 48; Jones, 43; Matzke, 47; McKenzie, 34; Schrock, 38.

A BILL FOR AN ACT relating to water; to amend sections 46-122, 46-229, 46-261, 46-290, 46-541, and 46-1008, Reissue Revised Statutes of Nebraska; to provide that certain districts and companies hold water appropriations for the benefit of certain landowners; to authorize the transfer of appropriations between lands within or served by the districts and companies; to require reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Wickersham, 49; Elmer, 44; Hillman, 48; Matzke, 47; Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend section 46-231, Reissue Revised Statutes of Nebraska; to provide an exemption from allotment limits; and to repeal the original section.

LEGISLATIVE BILL 101. Introduced by Dierks, 40; Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to amend sections 39-2215, 74-1415.03, 74-1420, and 74-1429, Revised Statutes Supplement, 1994; to change the disposition of proceeds of certain taxes; to authorize planning and coordination grants for railroads; to provide for the waiver of certain requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 102. Introduced by Dierks, 40; Preister, 5; Schellpeper, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 84-1601, 84-1604, 84-1605, 84-1608, 84-1609, and 84-1612, Reissue Revised Statutes of Nebraska; to make the Nebraska State Insurance Program available to legal residents of the state; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Dierks, 40, Preister, 5, at the request of the Governor.

A BILL FOR AN ACT relating to radioactive waste; to amend sections 81-1584.01, 81-15,101, and 81-15,102, Reissue Revised Statutes of Nebraska, and section 71-3508.02, Revised Statutes Supplement, 1994; to change provisions relating to acquisition, cleanup costs, and ownership requirements of sites and materials; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-223 and 25-224, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on actions; and to repeal the original sections.

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1995

Speaker of the Legislature
Ninety-fourth Legislature, First Session (Regular) 1995

State Capitol
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the fifth day of January, 1995, and ending as provided by law, are on file in the office of Secretary of State:

Governor Ben Nelson
Lieutenant Governor Kim Robak
Attorney General Don Stenberg
Auditor of Public Accounts John Breslow
State Treasurer David Heineman
Frank E. Landis, Public Service Commissioner
Lowell C. Johnson, Public Service Commissioner
Katherine Endacott, State Board of Education
Terry L. Loschen, State Board of Education
Kathy Wilmot, State Board of Education
Kathleen McCallister, State Board of Education
Chuck Hassebrook, Regent University of Nebraska
Drew Miller, Regent University of Nebraska
Robert M. Allen, Regent University of Nebraska
Rosemary M. Skrupa, Regent University of Nebraska

Sincerely,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that

Governor Ben Nelson
Lieutenant Governor Kim Robak
Auditor of Public Accounts John Breslow
State Treasurer David Heineman
Attorney General Don Stenberg

have filed their bonds and oaths with the Secretary of State as required by law. I further certify that the required oaths have been filed in the office of Secretary of State, as required by law: Frank E. Landis and Lowell C. Johnson, Public Service Commissioners; Chuck Hassebrook, Drew Miller, Robert M. Allen and Rosemary M. Skrupa, Regents of the University of Nebraska; Katherine Endacott, Terry L. Loschen, Kathy Wilmot, and Kathleen McCallister, Members of the State Board of Education; Paul E. LeClair and Ben Novicoff, Judges of the Nebraska Workers' Compensation Court.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Allen J. Beermann, Secretary of State

MOTION - Escort Committees

Mrs. Crosby moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

PRAYER

The prayer was offered by Dr. Robert Kunz, First Christian Church, Lincoln, and Bishop Fabian Bruskewitz, Diocese of Lincoln.

INAUGURAL CEREMONIES

Chief Justice William C. Hastings administered the Oath of Office to the newly elected State officials.

Governor Ben Nelson delivered the following Inaugural Address:

Mr. Speaker, members of the 94th Legislature, honored guests, friends, family and my fellow Nebraskans:

It's cold outside but for the public officials of Nebraska the Heat is On! We have no time to rest. We have a job to do!

Our agenda this year must continue to change the face of government, to answer the mandate of the people that government become more efficient.

Let there be no doubt about it. In the next four years we WILL change the face of state government. The people of Nebraska demand it.

This is not the first time the people have vowed to change their government.

206 years ago, delegates from the thirteen United States of America gathered in Philadelphia for a convention to revise the Articles of Confederation. At that time, the balance of power between state and federal governments was weighted heavily on the side of the states.

They deliberated long and hard. But their efforts paid off. The members of the convention agreed new authority should be given to the federal government and a new constitution went into effect on March 4, 1789.

The challenges we face today are not unlike those faced by the members of that Constitutional Convention some 200 years ago. The difference is that the balance of power in our time has swung the opposite direction.

Washington has nearly eliminated the states' ability to govern the right that was established by the 10th Amendment of the United States Constitution.

Those early leaders of America had a great love for their new nation. They were driven by the same intensity of mission we feel the same desire for a better life the same sense of family, purpose and justice that drives us today.

Most of all, we can be sure our forefathers had courage...courage to defy the status quo, to overcome criticism and misunderstanding.

Courage to forge a better way of life and a better way of leadership.

In the past four years, I have seen that same kind of courage from the citizens of Nebraska and from their representatives in the legislature.

Our progress in technology is just one example, among many, that shows how we have affected the lives of individual Nebraskans in a positive way.

We are breaking new ground with distance learning and telecommunications. This use of technology brings Nebraskans closer, helps us improve our quality of life through economic development, education and medicine.

Doug Schadley of Indianola has used telecommunications to turn an idea for a new agricultural product into a profitable business venture in his hometown. Using Nebraska On-Line, Doug found the patent protection he needed to move his idea from the drawing board to production in rural Nebraska.

In central Nebraska, five schools have used distance learning to expand curriculum. With minimal costs, the students in those five schools have learned to speak Spanish and Japanese. Not only that, the kids have become friends instead of rivals.

In Ainsworth, George Botsford is using distance learning to help him overcome his physical challenge. Most importantly, through a telecommunications link, he has received moral support from his peers and medical professionals across the state. As a result, he no longer fears he will have to leave his brother Louie and the town of his birth.

For the sake of George, Doug, and the students in those five central Nebraska schools, as well as for all Nebraskans, we had the courage to change government where it needed to be changed.

We improved the financial condition of our state, we bolstered job training, we opened new markets for Nebraska products, and we continue to grow the economy of our state.

Through it all, we have shown the courage to defy the status quo. courage to address the needs of the people not the needs of government bureaucracy.

Seeing this courage makes me proud.

Our victory is that we have made the leap from the comfort of status quo to courageous change.

Our achievements of the past four years were capped by the unmistakable mandate of the people in November. It's a victory not so different from that of our remarkable Huskers in Miami. They rallied their strengths and realized their dreams.

We, too, will continue to build on our strengths, and realize our dreams for a #1 Nebraska.

Many of you have grown up in Nebraska as I have. You know instinctively what it means to be Nebraskan. It means family values. It means hard work. It means practicality. Responsible stewardship of the land. And deep affection for our neighbors.

The spirit of Nebraska includes, as well, the history and heritage that have brought us to this point.

All of us feel spirit of Nebraska. In parades and lemonade stands. In the commitment of our teachers and the energy of our young people. In the gleam in children's eyes. In the grainfields of our family farms.

These ideals are not new to us. Nebraska is one of the safest, healthiest, happiest and hardest-working states in the nation.

However, we cannot let down our guard. The challenges facing us as we approach the 21st century will overcome us if we are not prepared.

We've made a good start.

We are confronting...correcting...the inefficiencies and deficiencies of government.

Our fiscal house IS in order.

In many ways we are living the dream established by those thirteen states in 1789 as the foundation for our American way of life.

To preserve the strong foundation we've built, we must draw on our courage. We must continue to tackle the challenges of government efficiency and unfunded federal and state mandates.

That means changes in the way we have always done things. As Lt. Governor Robak has often said: "If you always do what you've always done, you'll always get what you've always got."

We MUST change. We WILL change. But those changes will be changes of common sense.

George Gallup, the famous pollster, has said, "The common people of America display a quality of good common sense."

Nowhere, more than in Nebraska, is common sense seen in the operation of individual lives. We run our businesses using common sense. We save our money for rainy days and we come to the aid of our neighbors without complaint because that's just good common sense in Nebraska.

Today, we must use that common sense and our courage for a new kind of leadership, a new way of looking at our future.

We will draw on our courage to create a system of government that does more than just talk about meeting Nebraskan's needs a system of government that is efficient, flexible and focused.

We will draw on our courage to create a fundamental new way of governing that is permanent, that won't end with a change in administration or with the influence of any one individual or group.

We'll draw on our courage to create government true to the federalist system initiated by our founding fathers, a system Americans believe in, a system based on good common sense, on fairness AND on opportunity.

THIS WILL be our legacy.

As your governor -- I pledge to uphold the trust Nebraskans have placed in me to continue making government responsible and responsive.

And now, I ask you, Mr. Speaker, members of the legislature, and my fellow Nebraskans to join me in this commitment to change, rational change, toward making the good life of Nebraska even better!

The Governor, Chief Justice, associate justices, newly elected state officials, congressional delegation, and families were escorted from the Chamber.

RESOLUTION

LEGISLATIVE RESOLUTION 5. Introduced by Brown, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44, Engel, 17; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, the University of Nebraska-Lincoln Cornhusker football team was undefeated in the 1994 season; and

WHEREAS, the UNL Cornhusker football team was victorious over the University of Miami Hurricanes in their home stadium in the Orange Bowl on January 1, 1995; and

WHEREAS, the UNL Cornhusker football team is ranked as the number one collegiate football program by the coaches and sportswriters of America; and

WHEREAS, the UNL coaching and training staff provided the guidance in preparation and the strategy for the players so that the talents of the players could prevail; and

WHEREAS, Dr. Tom Osborne, as head coach of the UNL Cornhuskers, not only contributed substantially to the undefeated season and Orange Bowl victory, but also concerned himself with the academic progress of his players and has served as a role model for the citizens of the entire state; and

WHEREAS, the "Big Red" fans were unwavering in their loyalty and support and were loud when appropriate; and

WHEREAS, the success of the UNL Cornhusker football program reflects well on the entire State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature, on behalf of the citizens of Nebraska, commends the UNL Cornhusker football team, Dr. Tom Osborne, the UNL coaching and training staff, and the Cornhusker fans for their wonderful success.

2. That copies of this resolution be sent to Head Coach Tom Osborne, Athletic Director Bill Byrne, Chancellor Graham Spanier, and President L. Dennis Smith.

Laid over.

VISITOR

The Doctor of the Day was Dale Michels from Lincoln.

ADJOURNMENT

At 2:36 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 10:00 a.m., Friday, January 6, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY - JANUARY 6, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 1995

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Warner, Will, and Withem who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Mrs. Hillman moved that the Rules, as now in our possession, be adopted for today only, Friday, January 6, 1995.

The motion prevailed.

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1994 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Niobrara Natural Resources District Baron, Sar, Goodwin, Gill, Lohr & Horak	$1,813.80

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 105. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statute of Nebraska; to state intent to fund a statewide program; and to repeal the original section.

LEGISLATIVE BILL 106. Introduced by Dierks, 40; Jones, 43; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2701, 77-2702.07, and 77-2702.13, Revised Statutes Supplement, 1994; to exempt sales of feed, water, veterinary medicines, and agricultural chemicals used in caring for certain animal life; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Dierks, 40; Jones, 43; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act; to change the income tax and sales and use tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to water resources; to amend sections 2-1586, 2-3211.01, 46-295, 46-296, 46-630, 46-656, 46-657, 46-660, 46-661, 46-662, 46-663, 46-663.01, 46-663.02, 46-664, 46-666, 46-666.01, 46-668, 46-669, 46-670, 46-671, 46-672, 46-673, 46-673.01 to 46-673.07, 46-673.10, 46-673.11, 46-673.13, 46-674.02 to 46-674.14, 46-674.16 to 46-674.18, 46-674.20, 46-676, 46-689, and 81-15,176, Reissue Revised Statutes of Nebraska, and sections 2-1588, 46-659, 46-673.14 to 46-673.16, 46-674, 46-1207.01, and 77-27,137.02, Revised Statutes Supplement, 1994; to change provisions relating to ground water management areas; to provide for management of interrelated ground water and surface water resources; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-658, 46-665, 46-667, 46-673.08, 46-673.09, 46-673.12, 46-674.15, and 46-674.19, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 109. Introduced by Kristensen, 37; Landis, 46.

A BILL FOR AN ACT relating to corporations; to amend sections 8-1401, 21-302, 21-305, 21-323, 21-325, 21-329, 21-1301, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2439, 30-3214, 44-205.01, 44-206, 44-208.02, 44-224.01, 44-224.04, 44-301, 44-2128, 44-2916, 44-3112, 44-32,115, 44-3312, 44-3812, and 67-248.02, Reissue Revised Statutes of Nebraska, and sections 9-614, 21-2209, 23-3586.01, and 33-101, Revised Statutes Supplement, 1994; to adopt the Business Corporation Act; to eliminate the Nebraska Business Corporation Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 21-2001 to 21-2003, 21-2005 to 21-2012, 21-2014 to 21-2026, 21-2028, 21-2031 to 21-2035, 21-2037 to 21-2051, 21-2053 to 21-2069, 21-2071.01 to 21-2074, 21-2077 to 21-20,138, and 21-20,140 to 21-20,144, Reissue Revised Statutes of Nebraska, and sections 21-2004, 21-2027, 21-2029, 21-2030, 21-2036, 21-2052, 21-2070, 21-2071, 21-2075, 21-2076, and 21-20,139, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 110. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to law enforcement; to appropriate funds for the purchase of video equipment for law enforcement motor vehicles as prescribed; to create a fund; and to provide duties for the Department of Motor Vehicles.

LEGISLATIVE BILL 111. Introduced by Vrtiska, 1; Crosby, 29.

A BILL FOR AN ACT relating to driving or boating under the influence of alcohol or a controlled substance; to amend sections 37-1254.02 and 60-6,202, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1994; to provide for blood specimen certificates as prescribed; to provide for liability of the state as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Hillman, 48; Robak, 22.

A BILL FOR AN ACT relating to state highways; to amend section 39-207, Reissue Revised Statutes of Nebraska; to change provisions relating to rural highway signs; and to repeal the original section.

LEGISLATIVE BILL 113. Introduced by Crosby, 29; Bromm, 23; Brown, 6; Vrtiska, 1.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor to Minors Responsibility Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6CA. Introduced by Dierks, 40; Jones, 43; Pirsch, 10; Schmitt, 41; Schrock, 38; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 to 4:

III-2 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed~~

~~to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-3 "The second power reserved is the referendum which may be invoked~~, by petition,~~ against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state, distributed ~~as aforesaid~~ so as to include signatures equal in number to at least five percent of the votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of ~~the~~ this Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to ~~the~~ this Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. ~~All propositions submitted in pursuance hereof~~ Initiative and referendum measures shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to reduce the number of signatures required on initiative and referendum petitions.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 7. Introduced by Jones, 43; Avery, 3; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6;

Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Kristensen, 37; Lindsay, 9; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31.

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by the Nebraska Legislature without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the State of Nebraska hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.
2. That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of the constitutionally delegated powers.
3. That official copies of this resolution be prepared and forwarded to the President of the United States, the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, and to all members of the Nebraska delegation to the Congress of the United States.

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:12 a.m. until 10:41 a.m.

ANNOUNCEMENT

Mrs. Bohlke announced the Education Committee elected Mrs. McKenzie as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 8. Introduced by Day, 19.

WHEREAS, the Norfolk Panthers football team won the 1994 Class A state football championship; and

WHEREAS, the Norfolk Panthers football team completed an undefeated season with a record of 12-0; and

WHEREAS, throughout the year, the members of the team have complemented their talents with the characteristics of sportsmanship, determination, and diligence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Norfolk Panthers football team and the coaches, parents, and supporters.
2. That a copy of this resolution be sent to Norfolk Panthers football team head coach Dan McLaughlin.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 114. Introduced by Coordsen, 32; Avery, 3.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-216.03, 37-216.04, and 37-216.07, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994; to provide for lifetime habitat stamps and lifetime trout stamps; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 115. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to authorize a local income tax for school districts and affiliated districts; to require an election; to provide for collection; to provide duties for the

Department of Revenue; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 33-110 and 42-901, Reissue Revised Statutes of Nebraska; to change fees for proceedings related to marriage licenses; to create a fund; to provide for reimbursement for certain programs and services related to domestic violence and sexual assault; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Withem, 14.

A BILL FOR AN ACT relating to counties; to amend sections 23-148, 23-151, 32-528, and 32-555, Revised Statutes Supplement, 1994; to change the number of county commissioners in certain counties; to provide for fixing district boundaries; and to repeal the original sections.

LEGISLATIVE BILL 118. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1994; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1101, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Preister, 5; Avery, 3; Bohlke, 33; Bromm, 23; Dierks, 40; Fisher, 35; Hartnett, 45; Hillman, 48; Landis, 46.

A BILL FOR AN ACT relating to energy; to state intent relating to energy resources; to provide duties for public power districts; to eliminate intent relating to use of radioactive material; and to outright repeal section 70-627.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 121. Introduced by Preister, 5; Dierks, 40; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to smoking; to state intent; to prohibit smoking in state buildings and vehicles; to provide assistance to employees; and to provide a penalty.

LEGISLATIVE BILL 122. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to county treasurers; to amend section 23-1601, Reissue Revised Statutes of Nebraska; to provide for payments to school districts; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to teachers and administrators; to amend section 79-1247.05, Reissue Revised Statutes of Nebraska; to change provisions relating to temporary certificates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 124. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to counties; to amend sections 23-2536 and 23-2537, Revised Statutes Supplement, 1994; to change provisions relating to personnel; and to repeal the original sections.

LEGISLATIVE BILL 125. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend section 83-183, Reissue Revised Statutes of Nebraska; to change provisions relating to employment of persons committed to the Department of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 126. Introduced by Hudkins, 21; Kristensen, 37.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-519, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal mischief as prescribed; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to criminal procedure; to amend section 25-1912, Revised Statutes Supplement, 1994; to eliminate a provision relating to reduction of a sentence; to harmonize provisions; to repeal the original section; and to outright repeal section 29-2308.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 128. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2301, Reissue Revised Statutes of Nebraska; to change in forma pauperis provisions; and to repeal the original section.

LEGISLATIVE BILL 129. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-213, Reissue Revised Statutes of Nebraska; to change tolling provisions; and to repeal the original section.

LEGISLATIVE BILL 130. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1522.01, Reissue Revised Statutes of Nebraska; to change retirement benefit provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 131. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to retirement; to amend Laws 1994, LB 833, section 57; to change an operative date; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Robak, 22; Crosby, 29; Hillman, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-605, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide penalties for speeding, failure to yield, and passing in a school crossing zone as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 133. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3528, Reissue Revised Statutes of Nebraska, and sections 77-3512, 77-3513, 77-3514, 77-3516, and 77-3517, Revised Statutes Supplement, 1994; to change dates relating to homestead exemptions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 134. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2770, and 81-1249, Reissue Revised Statutes of Nebraska, and sections 77-2702.17, 77-2711, 77-2733, and 77-27,188, Revised Statutes Supplement, 1994; to change provisions relating to electronic filings and payments; to change sales and use tax provisions; to change income tax provisions; to redefine terms; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 135. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510 and 77-3514, Revised Statutes Supplement, 1994; to change provisions relating to homestead exemptions; to require confidentiality; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 136. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Revised Statutes Supplement, 1994; to authorize the Tax Commissioner to require reporting by retailers; and to repeal the original section.

LEGISLATIVE BILL 137. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-506, Revised Statutes Supplement, 1994; to change provisions relating to adjustments to values of classes and subclasses of real property; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Crosby, 29; Hudkins, 21; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to district court judicial districts; to amend section 24-301.02, Revised Statutes Supplement, 1994; to increase the number of district judges in the third judicial district; and to repeal the original section.

EASE

The Legislature was at ease from 10:45 a.m. until 11:06 a.m.

MRS. CROSBY PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 139. Introduced by Coordsen, 32; Cudaback, 36; Dierks, 40; Jones, 43; McKenzie, 34; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1994; to exempt personal property from taxation; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 140. Introduced by Preister, 5.

A BILL FOR AN ACT relating to community development; to amend section 18-2115, Reissue Revised Statutes of Nebraska; to change notice provisions relating to community redevelopment; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Preister, 5; Pedersen, 39.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1429.01 and 28-1429.02, Revised Statutes Supplement, 1994; to restate intent; to define a term; to change and provide penalties for sale of tobacco and tobacco products; and to repeal the original sections.

LEGISLATIVE BILL 142. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Reissue Revised Statutes of Nebraska; to require school districts to provide a period of preparation time; and to repeal the original section.

LEGISLATIVE BILL 143. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public power; to amend sections 70-625.02, 70-626.02, and 70-626.04, Reissue Revised Statutes of Nebraska; to change provisions relating to use of surplus line capacity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Vrtiska, 1, Avery, 3, Bernard-Stevens, 42, Bohlke, 33, Bromm, 23, Coordsen, 32, Crosby, 29, Cudaback, 36, Day, 19, Dierks, 40, Elmer, 44, Engel, 17, Fisher, 35, Hartnett, 45, Hillman, 48, Hudkins, 21, Janssen, 15, Jones, 43, Kristensen, 37, Matzke, 47, McKenzie, 34, Robak, 22, Robinson, 16, Schellpeper, 18, Schimek, 27, Schmitt, 41, Stuhr, 24, Wesely, 26, Wickersham, 49, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to adopt the Partnerships for Economic Development Act.

LEGISLATIVE BILL 145. Introduced by McKenzie, 34; Bohlke, 33; Day, 19; Jones, 43; Robak, 22; Stuhr, 24.

A BILL FOR AN ACT relating to water wells; to amend section 46-602, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 146. Introduced by McKenzie, 34; Day, 19.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-1302 to 86-1306, Reissue Revised Statutes of Nebraska; to provide for a specialized telecommunications equipment program; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by McKenzie, 34; Lynch, 13; Robak, 22.

A BILL FOR AN ACT relating to environmental hazards; to amend section 71-6318, Revised Statutes Supplement, 1994, and Laws 1994, LB 1210, section 190; to change an operative date; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Lynch, 13; Bohlke, 33; Janssen, 15.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska; to authorize school districts and nonpublic schools to require criminal history record information; to provide duties for the Nebraska State Patrol, the Commissioner of Education, and the State Board of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 149. Introduced by Lynch, 13; Bohlke, 33; Coordsen, 32; Crosby, 29; Hartnett, 45; Hudkins, 21; Robak, 22.

A BILL FOR AN ACT relating to rehabilitation technology and services; to amend section 79-1448, Reissue Revised Statutes of Nebraska, and section 60-302, Revised Statutes Supplement, 1994; to adopt the Comprehensive Rehabilitation and Assistive Technology Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 150. Introduced by Crosby, 29; Hudkins, 21; Jones, 43; Preister, 5; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 37-1254.01, 37-1254.02, 60-4,182, 60-6,196, 60-6,197, 60-6,206, and 60-6,211.05, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment; to change provisions relating to boating under the influence; to change provisions relating to ignition interlock devices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Hudkins, 21; Crosby, 29; Vrtiska, 1.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-4,129, 60-6,196, 60-6,205, 60-6,206, and 60-6,211.05, Reissue Revised Statutes of Nebraska; to provide for the admission of a peace officer's sworn report at revocation hearings; to eliminate the employment driving permit as prescribed; to change fees; to eliminate license reinstatement as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to eliminate a requirement that voter registration cards be inserted in income tax booklets and related duties of the Department of Revenue; to outright repeal section 77-370.01, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 153. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to fees; to amend sections 33-110 and 77-1825, Reissue Revised Statutes of Nebraska, and section 77-1823, Revised Statutes Supplement, 1994; to change fees relating to marriage licenses, tax deeds, and redemption receipts; and to repeal the original sections.

LEGISLATIVE BILL 154. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-1611, Reissue Revised Statutes of Nebraska; to allow counties to use an alternate accounting system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,108, Reissue Revised Statutes of Nebraska; to change a penalty for driving on a suspended, revoked, or impounded operator's license; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2102.01, Reissue Revised Statutes of Nebraska; to change provisions relating to appointments to a community redevelopment authority; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 157. Introduced by Cudaback, 36; Bromm, 23; Jones, 43; Robinson, 16; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Reissue Revised Statutes of Nebraska, and section 60-311, Revised Statutes Supplement, 1994; to eliminate a fee relating to registration; to change the time period for issuance of license plates; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2818, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on proceedings against trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 159. Introduced by Hartnett, 45; Bernard-Stevens, 42; Bromm, 23; Crosby, 29; Hall, 7; Lindsay, 9; Lynch, 13; Preister, 5; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-4,118, Reissue Revised Statutes of Nebraska; to change provisions relating to loaning textbooks; and to repeal the original section.

LEGISLATIVE BILL 160. Introduced by Schmitt, 41; Dierks, 40; Jones, 43; Robak, 22.

A BILL FOR AN ACT relating to reclamation districts; to amend section 46-538, Reissue Revised Statutes of Nebraska; to change provisions relating to expenses; and to repeal the original section.

LEGISLATIVE BILL 161. Introduced by McKenzie, 34; Day, 19.

A BILL FOR AN ACT relating to change of name; to amend section 61-103, Reissue Revised Statutes of Nebraska, and section 61-102, Revised Statutes Supplement, 1994; to change notice requirements; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 11:12 a.m. until 11:49 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 162. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2001, 44-2003, and 44-2216, Reissue Revised Statutes of Nebraska, and sections 44-221 and 44-322, Revised Statutes Supplement, 1994; to change provisions relating to payments on surplus notes, annual financial statements, unauthorized insurers, and agents; and to repeal the original sections.

LEGISLATIVE BILL 163. Introduced by Landis, 46; Lynch, 13.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-701, 45-702, 45-705, 45-706, 45-710, and 45-717, Reissue Revised Statutes of Nebraska, and sections 45-711 and 45-716, Revised Statutes Supplement, 1994; to change provisions of the Mortgage Bankers Registration and Licensing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 164. Introduced by Will, 8.

A BILL FOR AN ACT relating to childhood sexual abuse; to amend sections 25-212 and 25-213, Reissue Revised Statutes of Nebraska; to establish a statute of limitations for civil actions based on childhood sexual abuse; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Bohlke, 33; Vrtiska, 1.

A BILL FOR AN ACT relating to children; to change provisions relating to the disclosure of certain information for children who are or may be in the custody of the state or under court supervision; to provide a penalty; to harmonize provisions; and to outright repeal section 43-3001, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 166. Introduced by Withem, 14; Avery, 3; Bernard-Stevens, 42; Bromm, 23; Preister, 5; Robinson, 16; Schmitt, 41.

A BILL FOR AN ACT relating to counties; to amend section 22-412, Reissue Revised Statutes of Nebraska, and sections 32-517 to 32-526, and 32-609, Revised Statutes Supplement, 1994; to provide for certain county offices to be filled on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 1994; to provide powers of the county board of equalization relating to levies; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Jones, 43; Bromm, 23; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Hudkins, 21; Jensen, 20; McKenzie, 34; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend section 84-905.01, Reissue Revised Statutes of Nebraska; to change provisions relating to review by the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 169. Introduced by Jones, 43; Dierks, 40.

A BILL FOR AN ACT relating to milk; to amend section 2-3912, Revised Statutes Supplement, 1994; to include sheep milk in the Nebraska Pasteurized Milk Law; and to repeal the original section.

LEGISLATIVE BILL 170. Introduced by Jones, 43; Dierks, 40; Robak, 22; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Reissue Revised Statutes of Nebraska; to eliminate provisions for a common levy for Class VI school systems; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-438.13, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 171. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools; to authorize additional contracts for nonteaching services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 172. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the lien of a physician, nurse, or hospital; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to podiatry; to amend sections 71-174, 71-175, and 71-176, Reissue Revised Statutes of Nebraska; to change provisions relating to qualification for licensure and persons excepted from the practice of podiatry; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2601, Revised Statutes Supplement, 1994; to change provisions relating to membership on the State Board of Health; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to landlords and tenants; to amend section 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to writs of restitution; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 81-801, 81-801.01, and 81-803.01, Reissue Revised Statutes of Nebraska; to change the number of members and the districts of the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 9CA. Introduced by Will, 8, at the request of the Governor.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 "The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said~~ The board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment.

The Governor shall have power to grant respites, reprieves, pardons, or commutations in capital cases. The Governor, Attorney General, and Secretary of State, sitting as ~~a board~~ the Board of Pardons, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all other cases of conviction for offenses against the laws of the state~~,~~ except treason and cases of impeachment. The Board of Parole may advise the Governor~~, Attorney General and Secretary of State~~ or the Board of Pardons as the case may be, on the merits of any application for remission, respite, reprieve, pardon, or commutation, but such advice shall not be binding. ~~on them.~~

The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the Governor shall have the authority to grant respites, reprieves, pardons, or commutations in capital cases.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 10CA. Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 11:

IV-11 "If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment with the approval of a majority of the members of the Legislature, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to add the requirement of legislative approval when the Governor appoints persons to fill vacated elected state offices.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 11CA. Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner, but the ballots for nomination and election shall include an indication of each candidate's registered political party affiliation. ~~and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.~~

Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the ballots for nomination and election to indicate the registered political party affiliation for candidates for the Legislature.
For
Against".

Referred to the Reference Committee.

COMMITTEE ON COMMITTEES FINAL REPORT

Mrs. Crosby offered the following Committee on Committees report:

Agriculture - Dierks, Chairperson

Chambers
Cudaback
Elmer
Hudkins
Schellpeper
Schmitt
Vrtiska

Appropriations - Wehrbein, Chairperson

Brashear
Brown
Crosby
Engel
Hillman
Lynch
Maurstad
Schrock

Banking, Commerce and Insurance - Landis, Chairperson

Bromm
Fisher
Jensen
Lindsay
Robak
Wesely
Witek

Business and Labor - Abboud, Chairperson

Chambers
Dierks
Preister
Schimek
Schmitt
Vrtiska

Education - Bohlke, Chairperson

Bernard-Stevens
Beutler
Janssen
McKenzie
Stuhr
Warner
Wickersham

General Affairs - Schellpeper, Chairperson

Cudaback
Elmer
Hall
Hartnett
Hudkins
Robinson
Will

Government, Military and Veterans Affairs - Robinson, Chairperson

Bernard-Stevens
Cudaback
Janssen
Schmitt
Stuhr
Vrtiska
Witek

Health and Human Services - Wesely, Chairperson

Day
Dierks
Jensen
Matzke
Pirsch
Schimek

Judiciary - Lindsay, Chairperson

Abboud
Chambers
Fisher
Hall
Hudkins
Pedersen
Robak

Natural Resources - Beutler, Chairperson

Avery
Bohlke
Bromm
Elmer

Jones
McKenzie
Preister

Nebraska Retirement Systems - Wickersham, Chairperson

Crosby
Lynch
Robak
Wehrbein
Witek

Revenue - Warner, Chairperson

Coordsen
Hartnett
Kristensen
Landis
Schellpeper
Wickersham
Will

Transportation - Kristensen, Chairperson

Avery
Coordsen
Day
Jones
Matzke
Pedersen
Pirsch

Urban Affairs - Hartnett, Chairperson

Abboud
Hall
Preister
Robinson
Schimek
Will

Rules - Will, Chairperson

Beutler
Bromm
Lindsay
Matzke

Intergovernmental Cooperation - Avery, Chairperson

Abboud
Cudaback
Day
Pedersen
Wesely

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 165. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 84. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 64. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 115. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 115. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LR 7. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 30. No objections. So ordered.

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 64 and LB 84. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 177. Introduced by Hudkins, 21; Bromm, 23; Coordsen, 32; Jones, 43.

A BILL FOR AN ACT relating to eminent domain; to amend sections 76-717 and 76-720, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals and costs; and to repeal the original sections.

VISITORS

Visitor to the Chamber was Senator Robak's granddaughter, Elizabeth Brashears, from Wheaton, Illinois.

On January 5, 1995, visitor to the Chamber was Senator Pedersen's brother, Marlin Pedersen, from Gregory, South Dakota.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 10:00 a.m., Monday, January 9, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTH DAY - JANUARY 9, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 1995

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens and Will who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Mr. Hall moved that the Rules, as now in our possession, be adopted for today only, Monday, January 9, 1995.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 70, legislative resolution 1CA, and Governor appointments.

LB	Committee
1	General File
2	General File
3	General File
4	General File
5	General File
6	General File
7	General File
8	General File
9	General File
10	General File
11	General File
12	General File
13	General File
14	General File
15	General File
16	General File
17	Revenue
18	Judiciary
19	Judiciary
20	Business and Labor
21	Business and Labor
22	Judiciary
23	Transportation
24	Transportation
25	Health and Human Services
26	Revenue
27	Government, Military and Veterans Affairs
28	Government, Military and Veterans Affairs
29	Appropriations
30	Revenue
31	Revenue
32	Health and Human Services
33	Appropriations
34	Education
35	Natural Resources
36	Urban Affairs
37	Transportation
38	Transportation
39	Government, Military and Veterans Affairs
40	Judiciary
41	Banking, Commerce and Insurance
42	Urban Affairs
43	Government, Military and Veterans Affairs
44	Business and Labor
45	Revenue
46	Government, Military and Veterans Affairs
47	Education
48	Natural Resources

49	Revenue
50	Natural Resources
51	Judiciary
52	Judiciary
53	Government, Military and Veterans Affairs
54	Natural Resources
55	Health and Human Services
56	Nebraska Retirement Systems
57	Judiciary
58	Business and Labor
59	Transportation
60	Natural Resources
61	Government, Military and Veterans Affairs
62	Appropriations
63	Health and Human Services
64	Government, Military and Veterans Affairs
65	Government, Military and Veterans Affairs
66	Revenue
67	Judiciary
68	Banking, Commerce and Insurance
69	Government, Military and Veterans Affairs
70	Education

LR	**Committee**
1CA	Judiciary

Anderson, G. Roderic - State Personnel Board -- Government, Military and Veterans Affairs

Auch, Mel - Nebr. Motor Vehicle Industry Licensing Board -- Transportation

Bartee, Ronald - Board of Parole -- Judiciary

Broomfield, Robert J. - Agricultural Land Valuation Advisory Board -- Revenue

Dougherty, Charles J. - Accountability & Disclosure Commission -- Government, Military and Veterans Affairs

Fiesterman, Irene - Rural Health Advisory Commission -- Health and Human Services

Fitzgerald, Richard, D.D.S. - State Board of Health -- Health and Human Services

Fleming, Michael O. - Nebr. Motor Vehicle Industry Licensing Board -- Transportation

Fletcher, Janet - Rural Health Advisory Commission -- Health and Human Services

Foote, Janel T. - State Board of Health -- Health and Human Services

Freer, Marcia M. - Rural Health Advisory Commission -- Health and Human Services

George, Riley H. - State Electrical Board -- General Affairs

Gerrard, Nancy J. - State Board of Health -- Health and Human Services

Gilbert, Ann - Nebraska Arts Council -- General Affairs

Goldberg, Gary S. - Nebr. Ethanol Board -- Natural Resources

Haller, Michael, M.D. - Rural Health Advisory Commission -- Health and Human Services

Harris, Christine M. - State Personnel Board -- Government, Military and Veterans Affairs

Harry, Mary Ann - Nebraska Arts Council -- General Affairs

Hayden, F. Gregory, Ph.D. - Cent. Interstate Low-Level Radioactive Waste Comm. -- Natural Resources

Hillebrandt, Pat - Nebr. Ethanol Board -- Natural Resources

Hirschbach, Gretchen - Coordinating Commission for Postsecondary Ed. -- Education

Holyoke, Carol S. - Foster Care Review Board -- Health and Human Services

Jones, Lee B. - Nebr. Research and Development Authority -- Banking, Commerce and Insurance

Keller, Jane M. - Board of Educational Lands and Funds -- Education

Kelley, Kevin L. - Nebr. Dry Bean Commission -- Agriculture

Landis, Frank E. - Nebraska Railway Council -- Transportation

Larsen, Carl - Nebraska Railway Council -- Transportation

Maas, Craig L. - Nebr. Dry Bean Commission -- Agriculture

Maloney, Kathleen M. - Foster Care Review Board -- Health and Human Services

McCafferty, Jon - State Electrical Board -- General Affairs

McGill, Frank - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

McLaughlin, Robert - Nebr. Motor Vehicle Industry Licensing Board -- Transportation

Michel, Marilyn L. - Nebraska Investment Council -- Banking, Commerce and Insurance

Moje, Mona - Agricultural Land Valuation Advisory Board -- Revenue

Ostergard, Jack - Agricultural Land Valuation Advisory Board -- Revenue

Parascand, Susan - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

Perlman, David - Foster Care Review Board -- Health and Human Services

Peters, Gretchen - Nebraska Arts Council -- General Affairs

Plummer, Tom J., Jr. - Game and Parks Commission -- Natural Resources

Powell, Vicki F. - Foster Care Review Board -- Health and Human Services

Rasmussen, Gary A. - Nebraska Railway Council -- Transportation

Rebensdorf, John - Nebraska Railway Council -- Transportation

Riskowski, James J. - Crime Victims Reparation Committee -- Judiciary

Schleich, Louise D. - Child Abuse Prevention Fund Board -- Health and Human Services

Sitorius, Michael, M.D. - Rural Health Advisory Commission -- Health and Human Services

Sonntag, Thomas M. - Nebr. Oil and Gas Conservation Commission -- Natural Resources

Spady, Robert L. - Nebr. Motor Vehicle Industry Licensing Board -- Transportation

Tamisiea, Judy - Accountability & Disclosure Commission -- Government, Military and Veterans Affairs

Tempero, Dr. Richard M. - State Board of Health -- Health and Human Services

Thomas, Susan A. - Child Abuse Prevention Fund Board -- Health and Human Services

Tinstman, Dale C. - Research and Development Authority -- Banking, Commerce and Insurance

Tussing, Colonel, Ronald - Crime Victims Reparation Committee -- Judiciary

Walker, Clifford J. - Nebr. Dry Bean Commission -- Agriculture

Walters, Catherine A. - Crime Victims Reparation Committee -- Judiciary

Weaver, Dr. Arthur A. - State Board of Health -- Health and Human Services

Williams, Clifford W. - Research and Development Authority -- Banking, Commerce and Insurance

Williams, Donna N. - Nebraska Arts Council -- General Affairs

Williams-Tullos, Regina - Child Abuse Prevention Fund Board -- Health and Human Services

Woollam, John A. - Research and Development Authority -- Banking, Commerce and Insurance

Yanney, Gail - Nebraska Arts Council -- General Affairs

Zeisler, Craig - Cent. Interstate Low-Level Radioactive Waste Comm. -- Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT

The following report was received by the Legislature:

Insurance, Department of
Annual Profitability Analysis of Property and Casualty Insurance (Section 44-4605)

COMMITTEE ON COMMITTEES FINAL REPORT

Mrs. Crosby moved the approval of the Committee on Committees final report, found in the Journal on pages 159 through 161.

The Committee on Committees final report was approved with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 5. Read. Considered.

Mr. Chambers offered the following amendment:
FA1
Add new "whereas".
"Whereas, none of this would be possible without the players who labor assiduously in a dangerous, revenue-generating venture."

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LR 5, as amended, was adopted with 24 ayes, 0 nays, and 25 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 178. Introduced by Abboud, 12; Landis, 46.

A BILL FOR AN ACT relating to the Interstate Insurance Receivership Compact; to adopt the compact.

LEGISLATIVE BILL 179. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to county officers and employees; to amend section 11-119, Reissue Revised Statutes of Nebraska; to provide for a blanket surety bond for county officers and employees; and to repeal the original section.

LEGISLATIVE BILL 180. Introduced by Warner, 25.

A BILL FOR AN ACT relating to state government; to provide requirements for contracts for privatization of personal services as prescribed; and to provide duties for the Director of Administrative Services.

LEGISLATIVE BILL 181. Introduced by Warner, 25.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Supplement, 1994; to change the yard waste prohibition date; and to repeal the original section.

LEGISLATIVE BILL 182. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-654, 66-668, 66-673, 66-681, and 66-733 to 66-737, Revised Statutes Supplement, 1994; to change provisions relating to taxation of diesel fuel; to change bond requirements; to eliminate the Petroleum Products Act; to repeal the original sections; to outright repeal sections 66-1215, 66-1217, 66-1218, 66-1220, and 66-1222 to 66-1224, Reissue Revised Statutes of Nebraska, and sections 66-1216, 66-1219, and 66-1221, Revised Statutes Supplement 1994; and to declare an emergency.

LEGISLATIVE BILL 183. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-673 and 66-740, Revised Statutes Supplement, 1994; to authorize an exempt use of diesel fuel; to continue a task force; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 184. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor fuel taxation; to amend section 87-411, Reissue Revised Statutes of Nebraska, and sections 39-2215, 39-2215.01, 39-2216, 52-1401, 60-302, 60-312, 66-482, 66-490, 66-491, 66-492, 66-493, 66-4,141, 66-4,142, 66-4,143, 66-4,144, 66-4,147, 66-651, 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, 66-712, 66-719.01, 66-726, 66-727, 66-733, 66-734, 66-735, 66-736, 66-737, 66-1345, 66-1414, 66-1510, 77-381, and 77-2704.05, Revised Statutes Supplement, 1994; to adopt the Compressed Fuel Tax Act; to change provisions relating to taxation of motor fuels; to eliminate provisions relating to an alternative fuel user permit; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal sections 66-689, 66-690, 66-692, and 66-693, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 185. Introduced by Fisher, 35; Matzke, 47; Robinson, 16; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-515 and 60-479, Reissue Revised Statutes of Nebraska, and section

60-462, Revised Statutes Supplement, 1994; to prohibit cancellation of insurance coverage as prescribed; to authorize the suspension of drivers' licenses and eligibility for licenses for certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Fisher, 35; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,294, Reissue Revised Statutes of Nebraska; to change provisions relating to dummy axles; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-993.01 and 85-9,151, Reissue Revised Statutes of Nebraska; to change a reference to a federal index; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 188. Introduced by Withem, 14.

A BILL FOR AN ACT relating to personal property; to amend sections 69-202, 69-204, and 69-208, Reissue Revised Statutes of Nebraska; to change provisions relating to pawnbrokers and junk dealers; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Withem, 14; Hartnett, 45; Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the population requirements relating to number of judges of the separate juvenile courts; and to repeal the original section.

LEGISLATIVE BILL 190. Introduced by Witek, 31.

A BILL FOR AN ACT relating to surveys; to provide requirements for opinion surveys; and to provide a penalty and a cause of action.

LEGISLATIVE BILL 191. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revolving charge agreements; to amend section 45-205, Reissue Revised Statutes of Nebraska; to authorize charges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 192. Introduced by Robak, 22.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-810, Revised Statutes Supplement, 1994; to change provisions relating to commencement and settlement of an action; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 193. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-926, Reissue Revised Statutes of Nebraska; to change provisions relating to planning commission member appointment approval; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-701 and 17-701, Reissue Revised Statutes of Nebraska, and sections 16-704 and 17-706, Revised Statutes Supplement, 1994; to change the fiscal years of certain cities and villages; to change provisions relating to appropriations; and to repeal the original sections.

LEGISLATIVE BILL 195. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to village boards; to amend sections 17-202, 32-532, and 32-811, Revised Statutes Supplement, 1994; to change provisions relating to elections and terms; and to repeal the original sections.

LEGISLATIVE BILL 196. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to street improvements; to amend sections 16-615, 17-509, and 17-511, Reissue Revised Statutes of Nebraska; to change consent requirements for grading; to provide for funding by special assessment; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503.01, Reissue Revised Statutes of Nebraska, and section 17-953.01, Revised Statutes Supplement, 1994; to change provisions relating to the sale and purchase of property; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Wehrbein, 2; Coordsen, 32.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-201, 37-213, 37-215.03, and 37-215.08, Reissue Revised Statutes of Nebraska; to change limited owner or lessee hunting permits and limitation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 199. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1111, Reissue Revised Statutes of Nebraska; to provide additional powers and duties for the accounting bureau and the Accounting Administrator with respect to preaudits; and to repeal the original section.

LEGISLATIVE BILL 200. Introduced by Hudkins, 21; Pedersen, 39.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend sections 83-4,114, 83-4,114.01, and 83-4,122, Reissue Revised Statutes of Nebraska; to change provisions relating to inmate discipline; and to repeal the original sections.

LEGISLATIVE BILL 201. Introduced by Hudkins, 21; Crosby, 29; Vrtiska, 1.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196, 60-6,197, and 60-6,206, Reissue Revised Statutes of Nebraska, and sections 28-106 and 28-306, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment; to change provisions relating to motor vehicle homicide; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to tax sales; to amend section 77-1823, Revised Statutes Supplement, 1994; to change provisions relating to tax certificates and deeds; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 12CA. Introduced by Schmitt, 41.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, sections 10, 11, 20, 21, and 30, and add new sections 15 to 17 to Article V:

V-10 "The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall remain as now fixed. The judges of the district courts shall be ~~selected~~ elected by the registered voters from the respective districts. ~~as provided in this Article V.~~"

V-11 "The Legislature may change the number of judges of the district courts and shall alter the boundaries of judicial districts after each federal decennial census. Such change in number or alterations in boundaries shall not vacate the office of any judge. Such districts shall be formed of compact territory bounded by county lines."

V-15 "Beginning in 1998, the district court judges shall be elected at the statewide general election on a nonpartisan basis. The judges from odd-numbered districts shall be elected in November 1998 and every six years thereafter, and the judges from even-numbered districts shall be elected in November 1998 and November 2000 and every six years thereafter."

V-16 "Beginning in 1998 and every six years thereafter, the county court judges shall be elected at the statewide general election on a nonpartisan basis."

V-17 "If a vacancy occurs in the office of district or county judge before the expiration of the regular term of office, the Governor shall fill the vacancy for the unexpired term."

V-20 "All officers provided for in this Article shall hold their offices until their successors ~~shall be~~ are qualified, and they shall respectively reside in the district or county from which they ~~shall be selected~~ are elected or appointed. All officers, when not otherwise provided for in this Article, shall perform such duties and receive such compensation as may be prescribed by law."

V-21 "(1) In the case of any vacancy in the Supreme Court ~~or in any district court~~ or in such other court or courts made subject to this provision by law other than the district and county courts, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented, ~~to him,~~ the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court ~~or district court~~ or such other court or courts as provided by the Legislature other than the district and county courts ~~shall provide~~ shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as provided by the Legislature. ~~shall provide; PROVIDED, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next~~

~~preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter.~~ In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of ~~the district court or~~ any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court ~~and of the district court~~ and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman,~~ the chairperson but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as provided by the Legislature. ~~shall provide.~~ The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor."

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state other than the district or county courts may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of

Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge other than a judge of the district or county court from office when in any

court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge other than a judge of the district or county court from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final, the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for the election of judges of the county and district courts.
For
Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:40 a.m. until 10:45 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 203. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1021, Revised Statutes Supplement, 1994; to provide for acceptance of and assent to amendments of a federal act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 204. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska; to exclude certain persons from eligibility as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 205. Introduced by Janssen, 15; Bromm, 23; Cudaback, 36; Robinson, 16; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change the auditing requirements of fire protection districts; and to repeal the original section.

LEGISLATIVE BILL 206. Introduced by Janssen, 15; Bromm, 23; Cudaback, 36; Robinson, 16; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5108, Revised Statutes Supplement, 1994; to change personnel requirements for licensure; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Day, 19; Hillman, 48.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2705 and 18-2709, Revised Statutes Supplement, 1994; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change the amount of an administrative collection fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 209. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to game birds; to amend sections 37-901 to 37-914, Reissue Revised Statutes of Nebraska; to change provisions relating to controlled shooting areas and game breeding operations; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Lynch, 13; Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to exempt molds, dies, and patterns from sales and use taxes; to provide an operative date; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 13. Introduced by Robak, 22.

WHEREAS, Nebraska Cornhusker fullback Cory Schlesinger hails from Duncan, Nebraska, which is in the twenty-second legislative district; and

WHEREAS, Mr. Schlesinger scored two fourth quarter touchdowns to seal a Cornhusker victory over the third ranked University of Miami Hurricanes in the 1995 Fed Ex Orange Bowl; and

WHEREAS, Mr. Schlesinger knows that the grass is a lot greener in the end zone than anywhere else on the football field; and

WHEREAS, Mr. Schlesinger and his teammates were named the national champions in both the sports writer's poll and the coaches poll after the 24-17 victory on Miami's home field.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Cory Schlesinger.
2. That a copy of this resolution be sent to Cory Schlesinger.

Laid over.

LEGISLATIVE RESOLUTION 14CA. Introduced by Day, 19.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 "For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ twenty years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the repayment provisions relating to the redevelopment of substandard or blighted property by increasing the number of years a city or village may apply taxes to such indebtedness from fifteen years to twenty years.
For
Against".

Referred to the Reference Committee.

ANNOUNCEMENTS

Mr. Landis announced the Banking, Commerce and Insurance Committee elected Mr. Fisher as Vice Chairperson.

Mr. Wesely announced the Health and Human Services Committee elected Mr. Matzke as Vice Chairperson.

EASE

The Legislature was at ease from 10:46 a.m. until 10:57 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 211. Introduced by Warner, 25; McKenzie, 34.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,173, 81-15,175, and 81-15,176, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Supplement, 1994; to change provisions relating to distribution of a fund; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Wickersham, 49; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend sections 22-401 to 22-406, 22-411, 22-412, 22-416, 23-104.01, and 23-153, Reissue Revised Statutes of Nebraska, and section 22-407, Revised Statutes Supplement, 1994; to change provisions relating to consolidation of counties and county offices and the joint exercise of powers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 22-408 to 22-410, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 213. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,231, Reissue Revised Statutes of Nebraska; to change provisions relating to flashing or rotating lights; and to repeal the original section.

LEGISLATIVE BILL 214. Introduced by Wesely, 26; Schellpeper, 18.

A BILL FOR AN ACT relating to student health; to amend sections 79-444 and 79-444.06, Reissue Revised Statutes of Nebraska; to allow more health care providers to give physical exams and immunization statements; and to repeal the original sections.

LEGISLATIVE BILL 215. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska; to change provisions relating to the minimum wage rate; and to repeal the original section.

LEGISLATIVE BILL 216. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment; to prohibit certain actions by employers based on use of lawful products; to provide for damages; and to provide exceptions as prescribed.

LEGISLATIVE BILL 217. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change the hours to sell or dispense alcoholic liquor; and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Hall, 7.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1205, Reissue Revised Statutes of Nebraska; to authorize contracts for operation and management services; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-4,171, 60-505.02, and 60-6,206, Reissue Revised Statutes of Nebraska; to change provisions relating to reinstatement fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 220. Introduced by Hall, 7.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Revised Statutes Supplement, 1994; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 221. Introduced by Hall, 7.

A BILL FOR AN ACT relating to worker's compensation; to amend section 48-115, Revised Statutes Supplement, 1994; to redefine employer to include newspaper carriers; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Hall, 7.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-720, Reissue Revised Statutes of Nebraska; to change a provision relating to an award of costs on appeal; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Hall, 7.

A BILL FOR AN ACT relating to courts; to amend section 24-208, Reissue Revised Statutes of Nebraska, and sections 24-212 and 24-1104, Revised Statutes Supplement, 1994; to require the signing of appellate court opinions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 84-1409, Reissue Revised

Statutes of Nebraska, and section 71-7518.04, Revised Statutes Supplement, 1994; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5802, 71-5805 to 71-5809.01, 71-5812, 71-5813, 71-5815 to 71-5821.01, 71-5823 to 71-5826, 71-5828, 71-5830.01, 71-5832, 71-5832.01, 71-5833 to 71-5836.02, 71-5838, 71-5840, 71-5841, 71-5846, 71-5848, 71-5848.01, 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska, and sections 71-5801, 71-5803, 71-5804, 71-5809.02, 71-5810, 71-5811, 71-5822, 71-5829, 71-5830, 71-5831, 71-5837, and 71-5849, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 225. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129 and 60-6,206, Reissue Revised Statutes of Nebraska; to authorize the issuance of an employment driving permit as prescribed; to eliminate a restriction on eligibility for an employment driving permit and an ignition interlock device order; and to repeal the original sections.

LEGISLATIVE BILL 226. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the City of Omaha Public Events Facilities Fund; to amend section 14-3,130, Revised Statutes Supplement, 1994; to change provisions relating to the expenditure of funds; and to repeal the original section.

LEGISLATIVE BILL 227. Introduced by Hall, 7.

A BILL FOR AN ACT relating to income tax refunds; to amend section 77-2701, Revised Statutes Supplement, 1994; to create a refund designation program for the Cornhusker State Games and the United States Olympic Committee; to create a fund; to provide duties for the Tax Commissioner and the State Treasurer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 228. Introduced by Landis, 46; Hartnett, 45; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1994; to provide an income tax credit; to provide an operative date; and to repeal the original section.

EASE

The Legislature was at ease from 11:01 a.m. until 11:19 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 229. Introduced by Dierks, 40; Coordsen, 32; Hudkins, 21; Jones, 43; McKenzie, 34; Schmitt, 41; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to ground water; to amend sections 46-606 and 46-1224, Revised Statutes Supplement, 1994; to eliminate fees for small capacity water wells; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska; to provide for entry upon property as prescribed; to provide for damages; to provide an affirmative defense to criminal trespass; and to repeal the original section.

LEGISLATIVE BILL 231. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to trucks; to amend section 25-21,239, Revised Statutes Supplement, 1994; to change a liability provision; and to repeal the original section.

LEGISLATIVE BILL 232. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juveniles; to create and provide duties for the Juvenile Criminal Code Revision Task Force; and to declare an emergency.

LEGISLATIVE BILL 233. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to corrections; to amend sections 23-2802, 47-101, 47-102, 47-104 to 47-106, 47-108 to 47-110, 47-116, 47-201 to 47-206, 83-4,131, and 83-4,132, Reissue Revised Statutes of Nebraska; to change provisions relating to the Jail Standards Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 234. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to jails; to amend section 47-502, Reissue Revised Statutes of Nebraska; to change good time reductions in city or county jails; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Legislature; to require the development and implementation of a justice system impact statement.

LEGISLATIVE BILL 236. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-1102, 37-1105, and 37-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to park entry permits and permit areas; to create a fund; to eliminate a provision relating to a fund termination date; to repeal the original sections; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 237. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to create the Task Force on River Assessment; to state findings; to provide duties; to create a fund; and to provide a termination date.

LEGISLATIVE BILL 238. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to chemigation; to amend sections 46-1101, 46-1103, 46-1111, 46-1117, 46-1121, 46-1124, 46-1127, 46-1129.01, 46-1131, 46-1136, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to chemigation; to change fees and penalty provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 239. Introduced by Abboud, 12; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-634, Reissue Revised Statutes of Nebraska; to change provisions relating to administrative appeal; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Abboud, 12; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-627, Reissue Revised Statutes of Nebraska, and section 48-652, Revised Statutes Supplement, 1994; to provide an eligibility for benefits condition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 241. Introduced by Bohlke, 33, Beutler, 28, Crosby, 29, Engel, 17, Hillman, 48, Janssen, 15, Lynch, 13, McKenzie, 34, Robak, 22, Stuhr, 24, Warner, 25, Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1503 and 85-1536, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of state aid; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 242. Introduced by Crosby, 29; Hudkins, 21.

A BILL FOR AN ACT relating to driving while intoxicated; to amend section 60-4,110, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle during suspension or revocation and impoundment of a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 243. Introduced by Crosby, 29; Hudkins, 21.

A BILL FOR AN ACT relating to liquor; to amend section 53-180.05, Reissue Revised Statutes of Nebraska; to change the penalty for procuring liquor for a minor; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Crosby, 29; Hudkins, 21.

A BILL FOR AN ACT relating to child abuse; to amend section 28-710, Revised Statutes Supplement, 1994; to redefine child abuse or neglect; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving while intoxicated; to amend section 60-6,209, Reissue Revised Statutes of Nebraska; to change provisions relating to the reduction of a license revocation term; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Schmitt, 41; Elmer, 44; Hall, 7; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,282, Reissue Revised Statutes of Nebraska; to change the enforcement and penalty provisions with respect to protective helmets as prescribed; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Dierks, 40; Matzke, 47.

A BILL FOR AN ACT relating to ground water; to amend section 46-613, Reissue Revised Statutes of Nebraska; to redefine domestic use to include aquaculture facility fish; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 15. Introduced by Schellpeper, 18; Schrock, 38; Bromm, 23; Elmer, 44; Hudkins, 21; Dierks, 40; Coordsen, 32; Cudaback, 36; Janssen, 15; Vrtiska, 1; Stuhr, 24; Jones, 43; Robak, 22.

WHEREAS, the State of Nebraska has traditionally recognized a variety of official state symbols as tangible representations of the proud spirit and heritage of our state; and

WHEREAS, the goldenrod, cottonwood, and western meadowlark are examples of some natural specimens that serve to symbolize the great diversity of the Nebraska landscape, while items such as the state nicknames, "The Cornhusker State" and "Tree Planters' State", and the state song, "Beautiful Nebraska", fittingly represent other aspects of our shared culture as Nebraskans; and

WHEREAS, in keeping with this custom, the designation of the square dance as an official state folk dance of Nebraska will provide suitable recognition for this popular American dance form; and

WHEREAS, first recorded in this country in 1651, the original square dances can be described as choreographic melting pots, containing elements of the Morris and maypole dances of England, the ballroom dances of France, and the church dances of Spain; as later immigrants arrived on our shores, square dancing evolved to include the folk dance traditions of nations such as Ireland, Germany, Italy, Poland, Austria, Russia, and Mexico; and

WHEREAS, brought to Nebraska by our pioneer forebears, square dancing quickly proved a popular diversion from the hardships faced by many settlers; in weathered barns or under starry skies, early Nebraskans joined their neighbors in the toe-tapping rhythms of these dances which strengthened and affirmed the bonds of community; and

WHEREAS, today, square dancing continues to be enjoyed by countless individuals of all ages and backgrounds, over 5,000 of whom claim membership in the state's one hundred twenty square dance clubs; although still known as square dancing, the term has been expanded to include clogging and round, contra, line, and heritage dancing within its scope; and

WHEREAS, an integral part of our state's cultural legacy, the square dance unites participants in a shared experience, crossing national and social barriers with its warmth and liveliness; the enduring beauty of this indigenous American dance form makes it an ideal choice for our official state folk dance and will serve as a fitting emblem for the rich diversity of our state's cultural heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates the square dance as the official state folk dance of Nebraska.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 6, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Andrew F. - Lincoln	Nebraska Republican Party
Alberts, Dan - Lincoln	T. O. Haas Tire Company, Inc.
Andersen, Robert C. - Lincoln	Nebraska Cooperative Council
Anderson, Robert L. - Lincoln	Anderson Management Services, Inc.
	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Anderson, Tim W. - Holdrege	The Central Nebraska Public Power & Irrigation District
Baack, Dennis G. - Lincoln	Nebraska Community College Association
Bacon, Charles E. - Lincoln	Nebraska Motor Carriers Association
Beattie, George - Lincoln	Nebraska Bankers Association
Bell, C. R. "Bob" - Omaha	Greater Omaha Chamber of Commerce
Benson, Lorrie B. - Lincoln	Association of Nebraska Community Action Agencies
Biggs, William L. - Omaha	Immanuel Health Care Systems
Boehm, John M. - Lincoln	Sarpy County Board of Commissioners
Boldt, G. Randy - Omaha	Blue Cross & Blue Shield of Nebraska
	HMO Nebraska, Inc.
Boucher, Richard L. - Lincoln	Nebraska County Attorneys Association
Brandt, Henry F. - Lincoln	Bailey-Lauerman & Associates Inc.
Brandt, Horan, Hallstrom & Sedlacek	
Hallstrom, Robert J. - Lincoln	National Federation of Independent Business
	Nebraska Association of County Superintendents
	Nebraska Bankers Association
	Nebraska Pharmacists Association
	NETWORKS, INC.
Sedlacek, Ronald J. - Lincoln	Nebraska Bankers Association
	Nebraska Chamber of Commerce & Industry
	Travelers Express Company, Inc.
Brewington, Claudia K. - St. Paul, MN	Distilled Spirits Council of the U.S., Inc. (DISCUS)
Brown, Vincent D. - Lincoln	American Petroleum Institute
Burling, Carroll - Lincoln	Nebraska Farm Bureau Federation
Butler, Richard J. - Lincoln	Nebraska Mortgage Association
Butler, Terri Mecham - Lincoln	United Cerebral Palsy of Nebraska
Carlson, Karen A. - Lincoln	U S WEST Communications
Carpenter, Rex - Lincoln	Nebraska Rural Electric Association
Carstenson, Eric B. - Lincoln	Lincoln Chamber of Commerce
Cavanaugh, James P. - Lincoln	Creighton University

	Independent Insurance Agents of Nebraska
	Nebraska Keno Operators, Inc.
Cheloha, John A. - Omaha	Omaha City Council
Childers, Paula - Hastings	Mothers Against Drunk Driving, Nebraska
Christiansen, Craig R. - Lincoln	Nebraska State Education Association
Clayburn, Neal - Lincoln	Lincoln Education Association
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Educational Service Units Administrator Association
	Lincoln Public Schools
	Nebraska Beer Wholesalers Association
	Nebraska Cable Communications Association
	Nebraska Health Care Association
	Nebraska Medical Association
	Nebraska Wholesale Liquor Distributors Association
	State Troopers Association of Nebraska, Inc.
	Waste Management of Midwest, Inc.
Coffman, Fredrick J. - Lincoln	O'Hara & Associates, Inc.
Conway, Gerald A. - South Sioux City	Great West Casualty Company
Cragun, Marlayn - Lincoln	Nebraska Civil Liberties Union
Crosier, Donald A. - Lincoln	American Association of Retired Persons
Cuca Jr., Ralph "Bud" - Lincoln	Nebraska Motor Carriers Association
Cullan, Tracey - Omaha	UNO Student Government
Cunningham, James R. - Lincoln	Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln	Board of Trustees of Nebraska State College Systems
	Bryan Memorial Hospital
	Community Lottery System, Inc.
	FirsTier Financial, Inc.
	Kelley & Lehan, P.C.
	Knudsen, Berkheimer, Richardson & Endacott
	Lincoln Medical Education Foundation
	Metropolitan Utilities District
	Nebraska Academy of Family Physicians
	Nebraska Association of Area Agencies on Aging
	Nebraska Association of Home & Community Health Agencies
	Nebraska Association of Resources Districts
	Nebraska Cattlemen, Inc.
	Nebraska Corn Growers Association
	Nebraska County Judges' Association
	Nebraska Dietetic Association, Inc.
	Nebraska Financial Services Association
	Nebraska Public Power District
	Nebraska Railroad Association

	Nebraska State Irrigation Association
	Nebraska Thoroughbred Breeders' Association
	Nebraska Water Resources Association
	Nebraska Water Users, Inc.
	Southern Nebraska Rural Public Power District
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Nebraska Aviation Trades Association
	Nebraska Chiropractic Physicians Association
	Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln	Nebraska Municipal Power Pool
Dobler, James B. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Dulaney, Michael S. - Lincoln	Nebraska Council of School Administrators
Edgerton, Steve - Omaha	Nebraska Credit Union League, Inc.
Edson, Dean E. - Lincoln	Nebraska Farm Bureau Federation
Ellerbee, Don - Hastings	Nebraska Funeral Directors Association
	Nebraska Veterinary Medical Association
Elliott, Joseph W. - Omaha	Professional Insurance Agents of Nebraska
Enewold, Richard H. - Omaha	AT&T Corporation
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Anderson Management Services, Inc.
	AIA, Nebraska
	Board of Educational Lands and Funds
	Erickson & Sederstrom, P.C.
	Nebraska Municipal Power Pool
	Nebraska Society of Medical Technology
Erickson, Julie S. - Lincoln	American Communications Group, Inc.
Fischer, David B. - Omaha	Union Pacific Railroad
Flannery, John S. - Des Moines, IA	GTE
Fraizer, T. J. - Lincoln	American Insurance Association
	Mutual of Omaha Insurance Company
Frazier, Lawrence A. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Fricke, Martha C. - Lincoln	Nebraska Association of School Boards
Gady, Richard L. - Omaha	ConAgra, Inc.
Gigstad, Carolyn D. - Lincoln	American Consulting Engineers Council of Nebraska
	Nebraska Society of Professional Engineers
Gingery, Robert O. - Lincoln	American Association of Retired Persons
Goc, John J. - Lincoln	City of Lincoln
Graves Jr., Eugene J. - Omaha	Metro Omaha Builders Association
Grieser, Mary Taylor - Lincoln	Nebraska Society of Certified Public Accountants
Griess, James R. - Lincoln	Nebraska State Education Association
Guy, Burnell C. - Lincoln	Nebraska Head Injury Association
Hansen, JoAnn - Lincoln	Nebraska Public Power District

Hartley, Richard - Lincoln	Mothers Against Drunk Driving, Nebraska
Hartley, Shirley - Lincoln	Mothers Against Drunk Driving, Nebraska
Hartmann, William - Lincoln	Nebraska Land Improvement Contractors Association
Harvey, William F. - Omaha	Big Red Keno Ltd.
Hedman, Gary - Grand Island	Southern Nebraska Rural Public Power District
Hersch, Alan - Lincoln	Peoples Natural Gas
Hogrefe, Raymond H. - Lincoln	National Association Retired Federal Employees, Nebraska Federation
Holmquist, Jay - Lincoln	Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln	Nebraska Humanities Council
Horne, Virgil L. - Lincoln	Lincoln Public Schools
Huff Jr., Walt - Lincoln	Associated General Contractors, Nebraska Chapter
Humpal, John E. - Omaha	Blue Cross & Blue Shield of Nebraska
Jennings, Warren E. - Lincoln	Insurance Federation of Nebraska
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	Nebraska Association of Homes for the Aging
	Nebraska Association of Nurse Anesthetists
	Nebraska Association of Private Resources
	Nebraska Dental Hygienists' Association
	Nebraska Optometric Association
	Nebraska Podiatric Medical Association
	Sierra Club - Nebraska Chapter
Jensen, S. Michael - Blair	Great Plains Communications, Inc.
Johnson, Mary A. - Lincoln	City of Lincoln
Johnson, Vard R. - Omaha	St. Joseph Hospital
Jordison, John C. - Lincoln	Nebraska Tax Research Council, Inc.
Kamm, Richard D. - Columbus	Nebraska School Finance Coalition
Keetle, Roger S. - Lincoln	Nebraska Association of Hospitals & Health Systems
Kennedy, Barry L. - Lincoln	Nebraska Chamber of Commerce & Industry
Kevil, G. Bruce - Lincoln	Nebraska State Home Builders Association
King, Peggy - Lincoln	Erickson & Sederstrom, P.C.
Kissel/E&S Associates, L.L.C.	
Kissel, Gordon - Lincoln	Lancaster County Board of Commissioners
Klumpp, John W. - Lincoln	Nebraska United Veterans Council
Kratz, Dean G. - Omaha	Nebraska Building Chapter Associated General Contractors
	Nebraska League of Savings Institutions
Krivosha, Norman M. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Krumland, Gary G. - Lincoln	League of Nebraska Municipalities
Kulesher, Kate M. - Omaha	American Home Products Corp
Larsen, Carlin L. - Chadron	U S WEST Communications

Larsen, L. M. - Kearney	American Association of Retired Persons
Licht, Alice L. - Lincoln	Anderson Management Services, Inc.
	Automotive Recycling Industry of Nebraska
	Nebraska Autobody Association, Inc.
	Nebraska Coalition For Interior Design
	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
	Nebraska Lodging Association, Inc.
	Nebraska State Pest Control Association
Lilley, Roy W. - Lincoln	Nebraska Cattlemen, Inc.
Lineweber, Ray L. - Lincoln	United Transportation Union
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Children's Mental Health Advocates
	Nebraska Academy of Physician Assistants
	Nebraska Association of Community Mental Health Providers
	Nebraska Association of Public Employees, AFSCME Local 61
	Nebraska Chapter of American Physical Therapy Association
	Nebraska Counseling Association
	Nebraska Professional Fire Fighters Association
	Nebraska Psychological Association
	Nebraska State Board of Agriculture
	Papio-Missouri Natural Resources District
Lombardi, Richard A. - Lincoln	American Communications Group, Inc.
Lowder, Leonard R. - Omaha	The American Society of Mechanical Engineers
Lowrey, Lon D. - Florissant, MO	Sandoz Pharmaceuticals
Lutz, Mark - Lincoln	Employers Unemployment Insurance Company
	Nebraska Restaurant Association
Lutz, Richard - Lincoln	Employers Unemployment Insurance Company
	Nebraska Restaurant Association
MacLean, Chauncey - Lincoln	Nebraska Nursery & Landscape Association
Marcus, Joan K. - Omaha	The ARC of Nebraska
McBride, David S. - Lincoln	Nebraska Optometric Association
	Nebraska State Association of Life Underwriters
McCartney, William H. - Omaha	National Indemnity Company
McCullough, Mardy - Lincoln	Nebraska Land Title Association
McDonald, Gordon L. - Omaha	Nebraska State AFL-CIO
McGuire, Mark D. - Lincoln	Crow Butte Resources, Inc.
	Nebraska State Education Association
Mihovk, Donald J. - Lincoln	Nebraska Chamber of Commerce & Industry
Miles, John C. - Lincoln	Federated Investors
Miller, Cy - Lincoln	Working Poor

Milligan, Cynthia H. - Lincoln	Norwest Bank Nebraska, N.A.
Mills, Guyla - Lincoln	Metro Right to Life
Monaghan, Judy J. - Omaha	Scientific Games Inc.
Moody, Randall - Lincoln	National Multi Housing Council
	Nebraska Library Association
	Nebraska Society of Radiologic Technologists
	Nebraska State Education Association
	The Nature Conservancy
Moors, H. Jack - Lincoln	Anheuser-Busch Companies
	Central Platte Natural Resources District
	Children's Mental Health Advocates
	Crow Butte Resources, Inc.
	First Federal Lincoln
	Nebraska Association of Tobacco & Candy Distributors
	Nebraska Corn Growers Association
	Nebraska State Irrigation Association
	Nebraska Water Resources Association
	Nebraska Water Users, Inc.
	Nebraskans for HealthCare Equity
	3M/Traffic Control Materials Division
Moylan, James H. - Omaha	Douglas County, Nebraska
	Nebraska Licensed Beverage Association
	R. J. Reynolds Tobacco
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	American Express Financial Advisors
	American Express Travel Related Services Company, Inc.
	Andersen Consulting
	ASARCO Incorporated
	AT&T
	Big Red Keno Ltd.
	Chief Ethanol Fuels, Inc.
	Committee for Regional High School System
	First Commerce Bancshares, Inc.
	First Data Corporation
	Jobs for Nebraska
	Kellogg Company
	League of Savings Institutions
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Dental Association
	Nebraska District Court Judges Association
	Nebraska Interactive
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association

	Nebraska Society of Independent Accountants
	Nebraska State Bar Association
	Platte County Agricultural Society
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Mumgaard, D. Milo - Lincoln	Nebraska Center for Legal Services
Neidig, Bryce P. - Lincoln	Nebraska Farm Bureau Federation
Nielsen, Coleen J. - Lincoln	State Farm Insurance
Niemann, Nicholas K. - Omaha	Greater Omaha Chamber of Commerce
Norris, Cathy J. - Denver, CO	American Automobile Manufacturers Association
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Bishop Clarkson Memorial Hospital
	Blue Cross & Blue Shield of Nebraska
	Blue Flame Gas Association
	Finocchiaro Wine Co., Inc.
	First National Bank of Omaha
	GTECH Corporation
	Hall County Livestock Improvement Association
	Nebraska Association of Trial Attorneys
	Nebraska Humanities Council
	Nebraska Soft Drink Association
	Northern Natural Gas Co.
	Nucor Corporation
	Omaha Public Power District
	Pioneer Hi-Bred International, Inc.
O'Hara, Paul V. - Lincoln	O'Hara & Associates, Inc.
O'Neill Jr., Thomas J. - Lincoln	Association of Independent Colleges & Universities of Nebraska (AICUN)
Olson Jr., William E. - Lincoln	T. O. Haas Tire Company, Inc.
Patterson Jr., Walter L. - Lincoln	Nebraska Cooperative Council
Peetz, Natalie - Omaha	Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln	Nebraska Optometric Association
Peters, William E. - Lincoln	Burlington Northern Railroad
	Golden Rule Insurance Company
	Railway Progress Institute
	The Tobacco Institute
Peterson, Debra D. - St. Paul, MN	United Telephone Company of the West
Peterson, Robert - Lincoln	Nebraska Association of School Boards
Pierson, Darwin R. - McCook	Nebraska Independent Oil & Gas Association
Piper, George - Walthill	Center for Rural Affairs
Popken, Kent T. - Lincoln	U S WEST Communications
Prazan, Jerome J. - Omaha	James Cavanaugh
Preston, James N. - Lincoln	Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln	Woodmen Accident and Life Company
Ptacek, Kelly Karl - Omaha	Greater Omaha Chamber of Commerce
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	American Plastics Council
	Arkansas Power and Light Company
	Gulf States Utilities
	GTECH Corporation

	Lincoln Public Schools
	Lincoln Telephone Company
	Louisiana Power and Light Company
	Media of Nebraska, Inc.
	Motion Picture Association of America, Inc.
	Nebraska Cable Communications Association
	Nebraska Financial Services Association
	Nebraska Health Care Association
	Nebraska Manufactured Housing Association, Inc.
	Nebraska Optometric Association
	Nebraska Pyrotechnics Association
	Nebraska Realtors Association
	Nebraska Society of Certified Public Accountants
	Nebraska State Cemetery Association
	Nebraska Wholesale Liquor Distributors Association
	Nebraskans for HealthCare Equity
	Robert D. and Marjorie L. Knisely
	Smokeless Tobacco Council, Inc.
	State Troopers Association of Nebraska, Inc.
	The Wine Institute
	Waste Management of North America, Mid-West Region
	Werner Enterprises, Inc.
	Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln	American Crop Protection Association
	Friends of Rural Education
	Great Plains Communications, Inc.
	Iowa/Nebraska Farm Equipment Association
	LensCrafters
	National Rifle Association of America
	Nebraska Independent Auto Dealers Association
	Nebraska Petroleum Marketers, Inc.
	Nebraska State Historical Society
	Philip Morris U.S.A.
Remington, S. June - Lincoln	Nebraska Chapter of National Association of Social Workers
	Nebraska State Association of Life Underwriters
Rempe, Jay E. - Lincoln	Nebraska Farm Bureau Federation
Rex, Gary L. - Lincoln	Lincoln Telecommunications Company
Rex, L. Lynn - Lincoln	League of Nebraska Municipalities
Reynolds, Arven D. - Lincoln	American Association of Retired Persons
Richard, Dwayne - Lincoln	Car and Truck Renting and Leasing Association
	Cornhusker Food Retailers Association

	Nebraska Retail Federation
	Nebraska Retail Grocers Association
Richards, Eric A. - Lincoln	The ARC of Nebraska
Richards, Tom - Omaha	Omaha Public Power District
Riibe, Diane - Hooper	Mothers Against Drunk Driving, Nebraska
Roberts, John L. - Lincoln	Nebraska Association of Hospitals & Health Systems
Robertson, Rob J. - Lincoln	Nebraska Farm Bureau Federation
Rogers, Carson H. - Lincoln	Nebraska Cooperative Council
Rupp, Lee - Lincoln	University of Nebraska
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	American Express Financial Advisors
	American Express Travel Related Services Company, Inc.
	Andersen Consulting
	ASARCO Incorporated
	AT&T
	Big Red Keno Ltd.
	Chief Ethanol Fuels, Inc.
	Committee for Regional High School System
	First Commerce Bancshares, Inc.
	First Data Corporation
	Jobs for Nebraska
	Kansas-Nebraska-Oklahoma League of Savings Institutions
	Kellogg Company
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Dental Association
	Nebraska District Court Judges Association
	Nebraska Interactive
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association
	Nebraska Society of Independent Accountants
	Nebraska State Bar Association
	Platte County Agricultural Society
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Ryan, Beth - Lincoln	Nebraska Railroad Association
Sahling, Shelley R. - Lincoln	Lincoln Electric System
Sanne, Richard D. - Lincoln	Nebraska Grain and Feed Association
Scanlan, Jeffrey L. - Omaha	Cornhusker Casualty Company
Scates, W. Thomas - Omaha	Omaha Education Association
Schellpeper, William L. - Lincoln	Nebraska Medical Association
Schimek, Herbert H. - Lincoln	Nebraska State Education Association
Sellentin, Jerry L. - Lincoln	Nebraska Council of School Administrators
Semerad, Mark F. - Omaha	ConAgra, Inc.

Settje, Dean - Lincoln	Nebraska Cattlemen, Inc.
Shultz, Jack L. - Lincoln	Motorcycle Industry Council, Inc.
	Nebraska Telephone Association
Smith, B. Frederick - Omaha	Christian Science Committee on Publication for Nebraska
Smith, Jeffry H. - Arapahoe	Arapahoe Telephone Company
	Cozad Telephone Company
	Curtis Telephone Company
	Keystone-Arthur Telephone Company
Snyder, Patricia - Lincoln	Nebraska Health Care Association
Solem, Calvin C. - Omaha	Associated General Contractors
Stading, Donald R. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Stone, Fred R. - Lincoln	Nebraska Petroleum Marketers, Inc.
Strange, Martin D. - Walthill	Center for Rural Affairs
Sullivan, J. Scott - Omaha	Nebraska Credit Union League, Inc.
Swartz, Jack - Lincoln	Nebraska Chamber of Commerce & Industry
Thayer, Jan - Lincoln	Nebraska Republican Party
Todd Jr., A. Loy - Lincoln	Nebraska New Car & Truck Dealers Association
Turner, James R. - Topeka, KS	Kansas-Nebraska-Oklahoma League of Savings Institutions
Ullstrom, Galen F. - Omaha	Mutual of Omaha Insurance Company
Urdahl, Michael B. - Blair	Great Plains Communications, Inc.
Vickers, Tom - Lincoln	American Massage Therapy Association-Nebraska Chapter
	Board of Educational Lands and Funds
	Distilled Spirits Council of the U.S., Inc. (DISCUS)
	Nebraska Association of School Boards
	Nebraska Community College Association
	Nebraska Nurses' Association
	Westside Community Schools
Vodvarka, Dan - Lincoln	Nebraska Society of Certified Public Accountants
Wagner, Connie - Lincoln	Licensed Practical Nurse Association of Nebraska
	Nebraska Health Care Association
Watson, James S. - Omaha	United HealthCare Corporation
Widholm, Paula - Lincoln	Nebraska Farm Bureau Federation
Wiitala, Steve - Omaha	Omaha Public Schools
Williams, David M. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Wilson, Robert W. - Lincoln	UtiliCorp United
Wininger, Dwight R. - Lincoln	Nebraska Telephone Association
Wurtz, Thomas A. - Omaha	Metropolitan Utilities District
Wylie, Ruth Ann - Lincoln	Lincoln Education Association
Yost, Kurt T. - Lincoln	Midwest Check Cashing Inc.
	Nebraska Independent Bankers Association
Young, Harry D. - Beatrice	Norris Public Power District

ANNOUNCEMENTS

Mr. Kristensen announced the Transportation Committee elected Mrs. Pirsch as Vice Chairperson.

Mr. Schellpeper announced the General Affairs Committee will meet in Room 2022 at 11:45 a.m. on Tuesday, January 10, 1995.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 31. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 166. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LR 3CA. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LR 5. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LR 5. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 25. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 248. Introduced by Abboud, 12; Brashear, 4; Cudaback, 36; Hartnett, 45; Jensen, 20; Kristensen, 37; Matzke, 47; Pedersen, 39; Pirsch, 10; Witek, 31.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska; to change the sales factor used for unitary businesses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 249. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-801.01, and 48-818, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for the use of an economic variables test and a concentric circle approach when establishing rates of pay; to change provisions relating to orders issued by the Commission of Industrial Relations; to harmonize provisions; and to repeal the original sections.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Helen Hyatt School, Lincoln.

ADJOURNMENT

At 11:26 a.m., on a motion by Mr. Kristensen, the Legislature adjourned until 10:00 a.m., Tuesday, January 10, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 10, 1995

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 10, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 1995

Pursuant to adjournment, the Legislature met at 10:00 a.m., Mr. Hall presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Dierks, Schellpeper, and Will who were excused.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Mr. Hall moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 10, 1995.

The motion prevailed.

ANNOUNCEMENTS

Mr. Wehrbein announced the Appropriations Committee elected Mrs. Hillman as Vice Chairperson.

Mr. Robinson announced the Government, Military and Veterans Affairs Committee elected Mr. Janssen as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 71 through 113 and legislative resolutions 3CA, 4CA, 6CA, and 7.

LB	**Committee**
71	Judiciary
72	General Affairs
73	Urban Affairs
74	Judiciary
75	Judiciary
76	Banking, Commerce and Insurance
77	Business and Labor
78	Judiciary
79	Judiciary
80	Transportation
81	Natural Resources
82	Transportation
83	Health and Human Services
84	Judiciary
85	Agriculture
86	Banking, Commerce and Insurance
87	Agriculture
88	Natural Resources
89	Appropriations
90	Judiciary
91	Urban Affairs
92	Transportation
93	Urban Affairs
94	Natural Resources
95	Revenue
96	Banking, Commerce and Insurance
97	Banking, Commerce and Insurance
98	Natural Resources
99	Natural Resources
100	Natural Resources
101	Transportation
102	Government, Military and Veterans Affairs
103	Natural Resources
104	Judiciary
105	Agriculture
106	Revenue
107	Revenue
108	Natural Resources
109	Banking, Commerce and Insurance
110	Appropriations
111	Transportation

112	Transportation
113	Judiciary

LR	**Committee**
3CA	Revenue
4CA	Government, Military and Veterans Affairs
6CA	Government, Military and Veterans Affairs
7	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 13. Passed over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 250. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-903, 19-916, 19-919, and 19-927, Reissue Revised Statutes of Nebraska, and sections 16-902 and 17-1002, Revised Statutes Supplement, 1994; to change provisions relating to suburban development, city planning, and zoning; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 251. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to ground water; to provide for certain transfers of ground water as prescribed.

LEGISLATIVE BILL 252. Introduced by McKenzie, 34; Day, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 1994; to eliminate the statute of limitations on the offense of sexual assault of a child; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 253. Introduced by Day, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-106, Revised Statutes Supplement, 1994; to provide for a bonded certificate of title; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 254. Introduced by Day, 19.

A BILL FOR AN ACT relating to historical vehicles; to amend section 60-311.16, Revised Statutes Supplement, 1994; to change conditions for issuance of license plates; and to repeal the original section.

LEGISLATIVE BILL 255. Introduced by Witek, 31.

A BILL FOR AN ACT relating to foster family homes; to amend sections 71-1902, 71-1904, and 71-1905, Reissue Revised Statutes of Nebraska, and sections 71-1901 and 71-1903, Revised Statutes Supplement, 1994; to change provisions relating to licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 256. Introduced by Hudkins, 21; Beutler, 28; Crosby, 29; Cudaback, 36; Hartnett, 45; Vrtiska, 1.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to change provisions relating to maintenance costs of individuals determined to be mentally incompetent; and to repeal the original section.

LEGISLATIVE BILL 257. Introduced by Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187 and 77-27,196, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 1994; to provide for a personal property tax exemption for investments in certain business property; to change the date a review is conducted; and to repeal the original sections.

LEGISLATIVE BILL 258. Introduced by Wickersham, 49; Landis, 46.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-805, 81-815.60, and 81-2801, Reissue Revised Statutes of Nebraska; to provide powers and duties relating to railroad rights-of-way and recreational trails; to harmonize provisions; to eliminate provisions which have terminated; to repeal the original sections; and to outright repeal sections 81-815.55, 81-815.56, and 81-815.57, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 259. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Reissue Revised Statutes of Nebraska, and section 37-101, Revised Statutes Supplement, 1994; to redefine terms; to change provisions relating to the destruction of predators; and to repeal the original sections.

LEGISLATIVE BILL 260. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Reissue Revised Statutes of Nebraska; to change provisions relating to prosecutions for sale of liquor to a minor; and to repeal the original section.

LEGISLATIVE BILL 261. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Revised Statutes Supplement, 1994; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 262. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change provisions relating to liens of physicians, nurses, or hospitals; and to repeal the original section.

LEGISLATIVE BILL 263. Introduced by Warner, 25; Avery, 3; Bernard-Stevens, 42; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Engel, 17; Hillman, 48; Jones, 43; Kristensen, 37; Lynch, 13; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to the state lottery; to amend section 81-179, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1994; to change provisions relating to transfer of funds; to provide funding for building renewal; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Hillman, 48; Day, 19.

A BILL FOR AN ACT relating to highways; to amend sections 39-202, 39-203, 39-205, 39-210, 39-1302, 39-1311, 39-1320, 39-1320.02, 39-1320.03, 39-1320.07, 39-1320.09, 39-1320.12, 39-1320.13, 39-1320.14, 39-1320.15, 39-2601 to 39-2608, 39-2610, 39-2611, and 69-1701, Reissue Revised Statutes of Nebraska, and sections 39-1320.01, 39-1320.06, 39-1320.08, 39-1320.10, and 39-1320.11, Revised Statutes Supplement, 1994; to change and eliminate outdoor advertising provisions; to change map requirements; to change provisions relating to screening of junkyards adjacent to certain highways; to harmonize provisions; to repeal the original sections; and to outright repeal section 39-201, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 265. Introduced by Withem, 14.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1120.34, Reissue Revised Statutes of Nebraska; to change the duties of the Commission on Information Technology; and to repeal the original section.

LEGISLATIVE BILL 266. Introduced by Pedersen, 39; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to penal institutions; to amend sections 83-170, 83-173, and 83-925.07, Reissue Revised Statutes of Nebraska; to redefine a term; to authorize certain contracts for the operation of places of correctional confinement; to provide duties for the Director of Correctional Services and the Office of Juvenile Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Schellpeper, 18; Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1994; to exempt personal property of certain cooperatives and nonprofit corporations from taxation; to provide for in lieu of tax payments by certain cooperatives; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 268. Introduced by Warner, 25.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1517, Reissue Revised Statutes of Nebraska; to change the date for certifying a tax levy; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 269. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-620, Revised Statutes Supplement, 1994; to change the provisions of the offense of unauthorized use of a financial transaction device; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend section 33-123, Reissue Revised Statutes of Nebraska, and section 25-1587.06, Revised Statutes Supplement, 1994; to change provisions relating to court filing fees; and to repeal the original sections.

LEGISLATIVE BILL 271. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 85-176, and 85-177, Reissue Revised Statutes of Nebraska, and sections 24-209 and 24-212, Revised Statutes Supplement, 1994; to provide for disposition of the Nebraska Appellate Reports and advance copies; to change the name of the Supreme Court Reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,190, Reissue Revised Statutes of Nebraska, and sections 77-27,188 and 77-27,188.01, Revised Statutes Supplement, 1994; to change provisions relating to the allowance and computation of and claims for tax credits; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Pedersen, 39; Lindsay, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816, 43-247, 43-255, and 43-274, Reissue Revised Statutes of Nebraska, and section 43-2,129, Revised Statutes Supplement, 1994; to change provisions relating to criminal offenses; to change and eliminate provisions relating to transfers between courts; to repeal the original sections; and to outright repeal sections 43-261 and 43-276, Reissue Revised Statutes of Nebraska.

RESOLUTIONS

LEGISLATIVE RESOLUTION 16. Introduced by Kristensen, 37; Withem, 14.

WHEREAS, the United States' Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all non-delegated and non-prohibited powers to the States or to the people; and

WHEREAS, over many years, the Federal government has dramatically expanded the scope of its power and pre-empted state government authority and increasingly has treated States as administrative subdivisions or as special interest groups, rather than co-equal partners; and

WHEREAS, the Federal government has generated massive deficits and continues to mandate programs that State and Local governments must administer; and

WHEREAS, the number of federal unfunded mandates has grown exponentially during the last thirty years and has profoundly distorted State budgets, handcuffing the ability of State leaders to provide appropriate and needed services to their constituencies; and

WHEREAS, since 1990, the Federal government has enacted at least forty-two major statutes imposing burdensome and expensive regulations and requirements on States and Localities, which is nearly equal to all those enacted in the prior two decades combined; and

WHEREAS, persistent, State-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal government; and

WHEREAS, the U.S. Supreme Court has repeatedly determined that the States must look to the Congress and related political remedies for protection against Federal encroachments on the reserved powers of the States; and

WHEREAS, the Council of State Governments, through its Intergovernmental Affairs Committee, has been the champion of State sovereignty for many years; and

WHEREAS, in recent years, States have been the principal agents of government reform, including updating their constitutions, modernizing and restructuring governmental institutions, and, along with Local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

WHEREAS, the Council of State Governments recognizes a sense of urgency in calling for The Conference of the States, whereby each State government would send a delegation to develop a comprehensive Action Plan to restore balance in the Federal system; and

WHEREAS, the aforementioned experience of The Council of State Governments, in conjunction with its regional structure and groupings of elected and appointed officials from all three branches of State government, reflects an entity ideally suited to promote and facilitate such a conference; and

WHEREAS, The Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for State governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the twenty-first century.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

(1) A delegation of five voting persons from the State of Nebraska, shall be appointed to represent the State of Nebraska at a Conference

of the States for the purposes described in Section (2) to be convened as provided in Section (3). The delegation shall consist of five voting persons as follows: (a) The governor or, if the governor does not wish to be a member of the delegation then a constitutional officer selected by the governor; and (b) four legislators selected by the presiding officer. No more than two of the four legislators may be from the same political party. The presiding officer may designate two alternate legislator delegates, one from each party, who have voting privileges in the absence of the primary delegates.

(2) The delegates of The Conference of the States will propose, debate, and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire Legislature.

(3) The Conference of the States shall be convened under the nonprofit status, section 501(c)(3) of the Internal Revenue Code, of The Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy days after at least twenty-six legislatures adopt this resolution without amendment.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

(a) The governance structure and procedural rules for the Conference;

(b) The process for receiving rebalancing proposals; and

(c) The financial and administrative functions of the Conference, including The Council of State Governments as fiscal agent.

(5) The bylaws shall:

(a) Conform to the provisions of this resolution;

(b) Specify that each state delegation shall have one vote at the Conference; and

(c) Specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) Upon the official convening of The Conference of the States, the State delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.

Laid over.

LEGISLATIVE RESOLUTION 17CA. Introduced by Lindsay, 9.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ~~ninety~~ sixty-five legislative days ~~in odd-numbered years~~ each year unless extended by a vote of four-fifths of all members elected to the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the length of the Legislative sessions to sixty-five days each year.
For
Against".

Referred to the Reference Committee.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 16 was referred to the Reference Committee.

ANNOUNCEMENT

Mr. Warner announced the Revenue Committee elected Mr. Coordsen as Vice Chairperson.

EASE

The Legislature was at ease from 10:31 a.m. until 10:47 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 274. Introduced by Elmer, 44; Avery, 3; Bernard-Stevens, 42; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Dierks, 40; Engel, 17; Fisher, 35; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994; to prohibit interference with a person engaged in hunting, trapping, or fishing as prescribed; to provide a penalty; to provide an affirmative defense; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 275. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to compulsive disorders; to amend sections 42-917, 44-773, 44-774, 71-5006, 71-5018, 71-5019, 71-5020, 71-5024, 71-5025, 71-5032, 71-5033, 83-158.01 to 83-160, 83-161.02, 83-163 to 83-165, and 83-167 to 83-169, Reissue Revised Statutes of Nebraska, and sections 9-804.04, 9-804.05, 9-812, 71-1,312, 71-5009, and 71-5014, Revised Statutes Supplement, 1994; to rename the Division on Alcoholism and Drug Abuse, the Division on Alcoholism and Drug Abuse Act, and the State Alcoholism and Drug Abuse Advisory Committee; to eliminate the Division on Compulsive Gambling and the Nebraska Advisory Commission on Compulsive Gambling; to transfer a fund from the Department of Revenue to the Department of Public Institutions; to change and transfer powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 9-804.01 to 9-804.03, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Reissue Revised Statutes of Nebraska, and section 77-4103 and 77-4104, Revised Statutes Supplement, 1994; to provide for an additional category of incentive recipients; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by Schimek, 27, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Revised Statutes Supplement, 1994; to adopt the New Jobs Training Act; to provide for an income tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 278. Introduced by Hall, 7.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716, Revised Statutes Supplement, 1994; to provide a tax credit for educational expenses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Hall, 7.

A BILL FOR AN ACT relating to insurance; to amend section 44-4233, Reissue Revised Statutes of Nebraska; to change tax offset provisions; and to repeal the original section.

LEGISLATIVE BILL 280. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to political subdivisions; to prohibit the controlling of rent.

LEGISLATIVE BILL 281. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses of state government.

LEGISLATIVE BILL 282. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1994; to impose an excise tax on wheat, corn, and grain sorghum; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 283. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska, and sections 28-1008, 28-1009, and 28-1013, Revised Statutes Supplement, 1994; to change the offense of obstructing a peace officer; to define and redefine terms; to create the offenses of harassment of and assault on a police animal; to provide penalties; to provide an exemption; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Robak, 22.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit passengers in the cargo area or on the tailgate of certain vehicles; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 285. Introduced by Withem, 14; Avery, 3; Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to counties; to amend section 23-1206.01, Reissue Revised Statutes of Nebraska; to change provisions relating to county attorneys; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Withem, 14; Avery, 3; Hartnett, 45; Pedersen, 39.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Revised Statutes Supplement, 1994; to change tax levy limits for certain purposes; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2708 and 77-2711, Revised Statutes Supplement, 1994; to change the interest on delinquent sales tax; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to real property; to amend section 23-1503.01, Reissue Revised Statutes of Nebraska, and sections 76-901, 76-903, and 76-1004, Revised Statutes Supplement, 1994; to change provisions relating to recording requirements and the rate and collection of the documentary stamp tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to energy; to provide for a study of use of biomass fuel for electricity production.

LEGISLATIVE BILL 290. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-3803 and 79-3811, Reissue Revised Statutes of Nebraska; to provide for reimbursement of transportation costs as prescribed; to redefine a term relating to the Tax Equity and Educational Opportunities Support Act; to change a provision relating to district formula resources under the act; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to change a provision relating to disqualification for benefits due to misconduct; and to repeal the original section.

LEGISLATIVE BILL 292. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to county government; to amend section 23-109, Reissue Revised Statutes of Nebraska; to provide for imprest funds for counties; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 18CA. Introduced by Hall, 7.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 "The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said board, or a majority thereof,~~ The board shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor may veto paroles under such conditions as may be prescribed by law.

The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state~~,~~ except treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General, and Secretary of State on the merits of any application for remission, respite, reprieve, pardon, or commutation but such advice shall not be binding on them.

The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the voting requirement for paroles and to provide the Governor with veto power of paroles as prescribed by law.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 19CA. Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I:

I-28 "The right of parents to direct the upbringing and education of their children shall not be infringed. The Legislature shall have the power to enforce by appropriate legislation the provisions of this section.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 20CA. Introduced by Pirsch, 10; Beutler, 28; Hudkins, 21.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 "The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said board, or a majority thereof,~~ The board or such proportion of the board as may be prescribed by the Legislature, but in no case less than a majority of the board, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment.

The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state~~,~~ except treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General, and Secretary of State on the merits of any application for remission, respite, reprieve, pardon, or commutation but such advice shall not be binding on them.

The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change requirements for granting paroles.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 21CA. Introduced by Pirsch, 10; Abboud, 12; Avery, 3; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Maurstad, 30; McKenzie, 34; Pedersen, 39; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Wehrbein, 2; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I:

I-28 "(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other

than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights.
> For
> Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:52 a.m. until 11:06 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 293. Introduced by Abboud, 12; Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-629, Revised Statutes Supplement, 1994; to eliminate the Thoroughbred Racing Assistance Fund; to harmonize provisions; to repeal the original section; and to outright repeal section 9-629.02, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 294. Introduced by Warner, 25.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1994; to impose an excise tax on corn and grain sorghum; to provide for use of the proceeds; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 295. Introduced by Landis, 46, at the request of the Governor.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Revised Statutes Supplement, 1994; to allow a tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-815.57, Reissue Revised Statutes of Nebraska; to revive sections; to change a termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 297. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-202, Reissue Revised Statutes of Nebraska; to exempt natural resources districts from limitations in actions for title or possession of certain real estate; to restate existing law; to eliminate an obsolete provision; and to repeal the original section.

LEGISLATIVE BILL 298. Introduced by Warner, 25; Coordsen, 32; Kristensen, 37.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3504, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change the income tax and sales and use tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 300. Introduced by Hall, 7; Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.03, Revised Statutes Supplement, 1994; to change income tax calculations; to provide an operative date; and to repeal the original section.

ANNOUNCEMENTS

Mr. Abboud announced the Business and Labor Committee elected Mr. Vrtiska as Vice Chairperson.

Mr. Will announced the Rules Committee elected Mr. Bromm as Vice Chairperson.

Mr. Hartnett announced the Urban Affairs Committee elected Ms. Schimek as Vice Chairperson.

Mr. Beutler announced the Natural Resources Committee elected Mr. Bromm as Vice Chairperson.

Mr. Dierks announced the Agriculture Committee elected Mr. Cudaback as Vice Chairperson.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Amend Rule 6, Section 5, as follows:

When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

~~(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.~~

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

Amend Rule 7, Sec. 1, as follows:

Section 1. Meeting Time, Restriction. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., ~~and adjourn not later than 1:00 p.m.,~~ unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Amend Rule 2, Section 3, by adding a new subsection:

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

Amend Rule 3, Section 10, by adding a new subsection:

Section 10. Conduct During Committee Hearing. (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken as least once a session, decides otherwise.
b) The use of any mobile, portable, or wireless communication device other than those authorized by the Legislative Council or used by licensed medical persons on duty is prohibited in legislative hearing rooms during a meeting of a legislative committee.

Amend Rule 7, Section 2(d) as follows:

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order, except that a roll call vote shall be taken in reverse alphabetical order at the request of any member unless the introducer of the motion under consideration objects.

Amend Rule 6, Section 3(b) as follows:

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall ~~next~~ be considered following the consideration of the standing committee amendments and any amendments thereto, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

Amend Rule 4, Section 3(h) as follows:

~~Seven~~ Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library.

Amend Rule 3, Section 4(a) as follows:

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	~~5~~ 6 members

(b) The Speaker of the Legislature shall serve as one of the six members of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

Amend Rule 3, Section 4(f) by striking it all and inserting:

All proposed rules changes shall be referred to the Rules Committee for purposes of conducting a public hearing. The Committee shall report any final action taken on a proposal to the full legislature. Consistent with Rule 2, Section 1, all proposed rules changes to be considered at the start of each regular session shall be submitted to the Rules Committee seven (7) days prior to the commencement of the regular session.

Add a new section to Rule 5:

a. Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new public retirement plan, shall be introduced only during the first ten days of a 90-day session.

b. No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

c. (1) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(2) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

Amend Rule 7, Section 10, as follows:

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the pending amendment shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the original amendment. If the original amendment has been divided, then the vote shall be on only the divided portion of the amendment being considered. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

Amend Rule 7, Sec. 3(e), as follows:

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition, and individual components shall not be amendable. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Amend Rule 6, Section 6, as follows:

Sec. 6. Return to Select File. (1) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members. (2) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Amend Rule 7, Sec. 3(e), as follows:

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, if a question is germane prior to a request for division, each and every other component or proposition of the divided question will likewise be germane to the bill or pending amendment. Once a vote to change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Amend Rule 7, Section 9.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn or recess has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn or recess are never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Amend Rule 7 by adding a new section:

Sec. 11. Motions and amendments shall not be filed for dilatory purposes. If a series of amendments and/or motions are offered to a bill or resolution, any member may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If in the opinion of the Speaker the motions and/or amendments are not dilatory, debate on the pending measure shall continue. This decision shall not be subject to a motion to overrule the Speaker. If the Speaker has reason to believe that the amendments and/or motions are dilatory in nature, he or she may temporarily remove the pending measure from the agenda. The Speaker shall meet with the principal introducer of the original measure and the principal introducer of the amendments and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. If an accord is not reached and the measure has been removed from the agenda, the Speaker shall return the measure to the agenda that day if feasible but no later than the next legislative day and shall rule which amendments and/or motions are out of order as being dilatory. No appeal may be taken to overrule the decision of the Speaker.

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Rule 1, Section 1

Section 1. Officers to Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
~~6 Members of Executive Board (See footnote)~~

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The offices so elected shall hold such office for a period of two years.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

(c) Six members shall serve as at-large members on the Executive Board. Each caucus as established in 50-401.01 shall nominate two of its members to be elected by the Legislature to the Executive Board.

(d) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

Rule 3, Section 7.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 301. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to energy; to require an energy-cost study.

LEGISLATIVE BILL 302. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to medical services; to provide for the responsibility for the payment of costs of medical services for individuals who are arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 303. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to courts; to amend section 24-803, Revised Statutes Supplement, 1994; to change provisions relating to judicial nominating commissions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 304. Introduced by Vrtiska, 1; Avery, 3; Coordsen, 32; Janssen, 15; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to public records; to prohibit use of information derived from public records as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 305. Introduced by Vrtiska, 1; Avery, 3; Bohlke, 33; Crosby, 29; Hillman, 48; Janssen, 15; Stuhr, 24.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272.01, Reissue Revised Statutes of Nebraska; to require visitation and consultation by a guardian ad litem; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-209, Revised Statutes Supplement, 1994; to eliminate a requirement for explanatory statements for constitutional amendments; to repeal the original section; to outright repeal section 49-202.01, Revised Statutes Supplement, 1994; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22CA. Introduced by Schimek, 27; Kristensen, 37; Landis, 46; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 to 4:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven percent of the~~ registered voters of the state~~, and if~~ equal in number to at least eight percent of the number of registered voters on the date of the most recent general election. If the petition be for the amendment of the Constitution, the petition ~~therefor~~ shall be signed by ~~ten percent of such~~ registered voters equal in number to at least twelve percent of the number of registered voters on the date of the most recent general election. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered during a nonpaid petition drive shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Paid petition drive means a drive for signatures in which one or more circulators receive payment to collect signatures. Payment means compensation for collecting signatures other than reimbursement for travel and meals."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by ~~not less than five percent of the~~ registered voters of the state equal in number to at least six percent of the number of registered voters on the date of the most recent general election, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than ten percent of the~~ registered voters of the state equal in number to at least twelve percent of the number of registered voters on the date of the most recent general election distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered during a nonpaid petition drive shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted.

Paid petition drive means a drive for signatures in which one or more circulators receive payment to collect signatures. Payment means compensation for collecting signatures other than reimbursement for travel and meals."

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 23CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require initiative measures to contain only one subject.
For
Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 146. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 232. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 246. No objections. So ordered.

ADJOURNMENT

At 11:20 a.m., on a motion by Mr. Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTH DAY - JANUARY 11, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Chambers, Cudaback, Hall, Hartnett, Landis, Lindsay, Schellpeper, Schrock, Vrtiska, Warner, Wesely, Mrs. Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 11, 1995.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 114 through 177 and legislative resolutions 9CA, 10CA, and 11CA.

LB	Committee
114	Natural Resources
115	Revenue
116	Appropriations
117	Government, Military and Veterans Affairs
118	Revenue
119	Banking, Commerce and Insurance
120	Natural Resources
121	Health and Human Services
122	Government, Military and Veterans Affairs
123	Education
124	Government, Military and Veterans Affairs
125	Judiciary
126	Judiciary
127	Judiciary
128	Judiciary
129	Judiciary
130	Nebraska Retirement Systems
131	Nebraska Retirement Systems
132	Transportation
133	Revenue
134	Revenue
135	Revenue
136	Revenue
137	Revenue
138	Judiciary
139	Revenue
140	Urban Affairs
141	Judiciary
142	Education
143	Natural Resources
144	Banking, Commerce and Insurance
145	Natural Resources
146	Transportation
147	Natural Resources
148	Education
149	Education
150	Transportation
151	Transportation
152	Revenue
153	Revenue
154	Government, Military and Veterans Affairs
155	Transportation
156	Urban Affairs
157	Transportation
158	Judiciary
159	Education
160	Natural Resources
161	Judiciary

162	Banking, Commerce and Insurance
163	Banking, Commerce and Insurance
164	Judiciary
165	Judiciary
166	Government, Military and Veterans Affairs
167	Revenue
168	Government, Military and Veterans Affairs
169	Agriculture
170	Revenue
171	Education
172	Judiciary
173	Health and Human Services
174	Health and Human Services
175	Judiciary
176	Natural Resources
177	Judiciary

LR	**Committee**
9CA	Judiciary
10CA	Government, Military and Veterans Affairs
11CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

Mr. Hall, Chairperson of the Executive Board, reported the appointments of the following members, as required by statute.

Building Maintenance - Lynch, Chairperson

Coordsen
Cudaback
Janssen
Vrtiska
Wehrbein

Education Commission of the States

Bernard-Stevens
Bohlke
Withem

Midwestern Higher Education Compact Commission

Bohlke
Warner

Legislative Program Evaluation

Hall
Hillman
Warner
Wehrbein
Withem

NOTICE OF COMMITTEE HEARING

Judiciary

Governor Appointment Wednesday, January 18, 1995 1:15 p.m.
Ron Bartee - Parole Board, Chairperson

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 5.

(Signed) David I. Maurstad, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 5. Introduced by Brown, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14; Warner, 25; Abboud, 12.

WHEREAS, the University of Nebraska-Lincoln Cornhusker football team was undefeated in the 1994 season; and

WHEREAS, the UNL Cornhusker football team was victorious over the University of Miami Hurricanes in their home stadium in the Orange Bowl on January 1, 1995; and

WHEREAS, the UNL Cornhusker football team is ranked as the number one collegiate football program by the coaches and sportswriters of America; and

WHEREAS, the UNL coaching and training staff provided the guidance in preparation and the strategy for the players so that the talents of the players could prevail; and

WHEREAS, Dr. Tom Osborne, as head coach of the UNL Cornhuskers, not only contributed substantially to the undefeated season and Orange Bowl victory, but also concerned himself with the academic progress of his players and has served as a role model for the citizens of the entire state; and

WHEREAS, the "Big Red" fans were unwavering in their loyalty and support and were loud when appropriate; and

WHEREAS, the success of the UNL Cornhusker football program reflects well on the entire State of Nebraska; and

WHEREAS, none of this would be possible without the players who labor assiduously in a dangerous, revenue-generating venture.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature, on behalf of the citizens of Nebraska, commends the UNL Cornhusker football team, Dr. Tom Osborne, the UNL coaching and training staff, and the Cornhusker fans for their wonderful success.
2. That copies of this resolution be sent to Head Coach Tom Osborne, Athletic Director Bill Byrne, Chancellor Graham Spanier, and President L. Dennis Smith.

REPORTS

The following reports were received by the Legislature:

Claims Board, State
  Bonded state officials; employee blanket bond (Sec. 11-203, R.R.S., 1943)

Educational Lands and Funds, Board of
  Biennial Report

Law Enforcement and Criminal Justice, Nebraska Commission on
  Annual Report

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 307. Introduced by Hall, 7; Withem, 14.

A BILL FOR AN ACT relating to state government; to eliminate committees and a commission related to intergovernmental cooperation; to provide an operative date; and to outright repeal sections 81-816 to 81-823, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 308. Introduced by Schmitt, 41; Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

LEGISLATIVE BILL 309. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-241, 46-257, and 46-277, Reissue Revised Statutes of Nebraska; to provide for a waiver; to change provisions relating to low-hazard dams; and to repeal the original sections.

LEGISLATIVE BILL 310. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2532 to 29-2542, 29-2544, and 29-2545, Reissue Revised Statutes of Nebraska, and sections 29-2543 and 29-2546, Revised Statutes Supplement, 1994; to provide an additional mode of inflicting the death penalty; to provide duties for the Director of Correctional Services; to eliminate duties of the warden; to change procedures for carrying out and suspending the sentence of death; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 311. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Imprest Payroll Fund; to amend section 81-1117.01, Reissue Revised Statutes of Nebraska; to change provisions relating to federal payments for certain retirement accounts; and to repeal the original section.

MOTION - Adopt Permanent Rules

Mr. Will moved to adopt the permanent rules for the Ninety-Fourth Legislature, First Session.

The Rules Committee renewed their proposed rules change, found in the Journal on page 218, to Rule 6, Section 5.

The Rules Committee proposed rules change was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 219, to Rule 7, Section 1.

The Rules Committee proposed rules change was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 219, to Rule 2, Section 3.

The Rules Committee proposed rules change was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 219, to Rule 3, Section 10.

The Rules Committee proposed rules change was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 219, to Rule 7, Section 2(d).

The Rules Committee proposed rules change was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 220, to Rule 6, Section 3(b).

The Rules Committee proposed rules change was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 220, to Rule 4, Section 3(h).

The Rules Committee proposed rules change was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 220, to Rule 3, Section 4(a).

Mr. Bernard-Stevens offered the following amendment to the proposed rules change:
Amend rule change #7, Rule 3, Section 4(a)
Rules - strike 6 & maintain 5
Add - The Speaker of the Legislature shall be an "ex officio" member of the Rules Committee

The Bernard-Stevens amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Withem offered the following amendment to the proposed rules change:
Strike that portion of the Bernard-Stevens amendment that reads "strike 6 & maintain 5"

The Withem amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Rules Committee proposed rules change, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 220, to Rule 3, Section 4(f).

Mr. Chambers offered the following amendment to the proposed rules change:
Rule change #8

In 4th line, after "Committee", insert, "at least".

The Chambers amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Will offered the following amendment to the proposed rules change:

Add the following to proposal 8:

Nothing in this section shall preclude amendments to the rules during a motion to adopt permanent rules.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will withdrew his amendment.

The Rules Committee proposed rules change, Rule 3, Section 4(f), is pending.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rules Committee renewed their proposed rules change, found in the Journal on page 221, to add a new section to Rule 5.

Messrs. Kristensen and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee proposed rules change was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 312. Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1994; to create the offenses of carjacking and armed carjacking; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-516, Revised Statutes Supplement, 1994; to create the offense of unauthorized entry into a propelled vehicle; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 314. Introduced by Witek, 31.

A BILL FOR AN ACT relating to undercover agents; to remove the prohibition on inmates, parolees, and probationers being undercover agents; to change the admissibility of certain evidence; and to outright repeal section 29-2262.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 315. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to alimony; to amend section 42-365, Reissue Revised Statutes of Nebraska; to change provisions relating to the modification and revocation of orders for alimony; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power; to amend section 70-625, Revised Statutes Supplement, 1994; to state intent; to authorize use of funds for rural economic development; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 317. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to power districts; to amend sections 70-601, 70-630, 70-631, 70-632, 70-636, 70-637, 70-655, 70-658, 70-659, 70-660, 70-661, 70-662, and 70-667, Reissue Revised Statutes of Nebraska, and section 70-625, Revised Statutes Supplement, 1994; to restate a term; to change provisions relating to public power districts; to authorize water and sewer service; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 318. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-720, Reissue Revised Statutes of Nebraska; to change provisions relating to awards of costs and attorney's fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 319. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the rules of the road; to amend section 60-6,298, Revised Statutes Supplement, 1994; to provide for size permits for certain implements of husbandry; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to students; to adopt the Student Freedom of Expression Act.

LEGISLATIVE BILL 321. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.16, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska, and section 60-311, Revised Statutes Supplement, 1994; to change provisions relating to the number and placement of license plates on certain vehicles; to change provisions relating to tonnage stickers; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-4,184, and 60-507, Reissue Revised Statutes of Nebraska; to change provisions relating to suspension and revocation of driver's licenses and operating privileges; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,131, 60-4,146.01, 60-4,149.01, 60-4,156, 60-4,164, 60-4,165, 60-4,167, and 60-4,169, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-4,146, Revised Statutes Supplement, 1994; to extend the applicability of sections to the Republic of Mexico; to change intrastate commercial driver's license application provisions; to provide for disqualification for violation of an out-of-service order; to change commercial driver's license renewal provisions; to eliminate urine testing under commercial driver's license implied consent provisions; to change hearing requirements; to provide for the automatic disqualification of a commercial driver's license; to provide for an appeal; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 324. Introduced by Schrock, 38; Elmer, 44; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-515, Revised Statutes Supplement, 1994; to provide an exception for housing authorities; and to repeal the original section.

LEGISLATIVE BILL 325. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide for fees for accounting services; to create a fund; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 326. Introduced by Warner, 25.

A BILL FOR AN ACT relating to economic development; to provide for job training grants; to provide powers and duties for the Department of Economic Development; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 327. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-4,145, 66-4,146, and 66-670, Revised Statutes Supplement, 1994; to change fuel tax rates as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 328. Introduced by Robinson, 16; Fisher, 35; Janssen, 15.

A BILL FOR AN ACT relating to pickle cards; to amend section 9-326, Reissue Revised Statutes of Nebraska, and section 9-306.01, Revised Statutes Supplement, 1994; to redefine a term; to permit certain nonprofit organizations to apply for a license to conduct a lottery by the sale of pickle cards; and to repeal the original sections.

LEGISLATIVE BILL 329. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to energy; to require construction and operation of a wind energy conversion system.

LEGISLATIVE BILL 330. Introduced by Landis, 46.

A BILL FOR AN ACT relating to child labor; to amend sections 48-302 and 48-310 to 48-312, Reissue Revised Statutes of Nebraska; to define employment; to authorize a special permit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 331. Introduced by Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to provide for a deficit appropriation; and to declare an emergency.

LEGISLATIVE BILL 332. Introduced by Witek, 31.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 79-3812 and 79-4003, Reissue Revised Statutes of Nebraska, and sections 9-812 and 9-836.01, Revised Statutes Supplement, 1994; to change the distribution of lottery proceeds; to provide a termination date for a fund and a council; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to accountancy; to amend sections 1-106, 1-107, 1-110, 1-122, 1-136.01, 1-151, 1-153, 1-156, 1-159, and 1-170, Reissue Revised Statutes of Nebraska, and sections 1-135, 1-136, 1-137, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160, and 1-169, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to issuance of permits; to impose additional requirements on licensees; to increase board per diem; to change provisions relating to fees; to change professional development requirements; to harmonize provisions; to eliminate provisions for armed forces registration; to repeal the original sections; and to outright repeal sections 1-130, 1-131, and 1-132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 334. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to employment security; to amend section 48-649, Revised Statutes Supplement, 1994; to change provisions relating to an employer's contribution rate; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Schimek, 27; Crosby, 29; Will, 8.

A BILL FOR AN ACT relating to special education; to amend sections 79-3301 and 79-3303, Reissue Revised Statutes of Nebraska; to provide for braille instruction for blind students as provided; and to repeal the original sections.

LEGISLATIVE BILL 336. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-719 to 28-721 and 28-725, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1994; to eliminate the Abused or Neglected Child Registry; to change provisions relating to the central register of child protection cases; to provide powers for the Department of Social Services; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-715, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 337. Introduced by Schimek, 27; Hall, 7; Kristensen, 37; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-101, 32-202, 32-628, 32-1404, 32-1405, 32-1409, and 32-1413, Revised Statutes Supplement, 1994; to change and provide procedures for circulating and verifying petitions; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 338. Introduced by Hillman, 48; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-109, 37-110, and 37-216.01 to 37-216.09, Reissue Revised Statutes of Nebraska; to provide for aquatic management areas and habitats and for aquatic habitat stamps; to eliminate trout stamps; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 37-217.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 339. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-341, Reissue Revised Statutes of Nebraska; to provide for commercial and business delinquency charges; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Abboud, 12; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for litter removal programs administered by the commission.

RESOLUTIONS

LEGISLATIVE RESOLUTION 24CA. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or

community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees ~~within a licensed racetrack enclosure~~ at such locations and by such means as are authorized by the Legislature or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to remove the restriction that wagering on the results of horseraces be conducted within a licensed racetrack enclosure and to authorize such wagering to be conducted at locations and by means authorized by the Legislature.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 25CA. Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 22:

III-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

If the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Legislature to appropriate funds for certain newly created, expanded, or changed programs or services mandated by the Legislature to political subdivisions.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 26. Introduced by Bernard-Stevens, 42.

WHEREAS, the State of Nebraska has a balanced budget provision within the Constitution of Nebraska; and

WHEREAS, the Congress of the United States may propose an amendment to the Constitution of the United States for ratification by the states relating to a balanced budget amendment; and

WHEREAS, with ratification by three-fourths of the states, the amendment will be instituted within seven years after the date of its submission for ratification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the balanced budget amendment to the Constitution of the United States is hereby ratified.
2. That copies of this resolution duly certified by the Secretary of States with the Great Seal of Nebraska attached thereto shall be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 17	Wednesday, January 18, 1995	1:30 p.m.
LB 134	Wednesday, January 18, 1995	1:30 p.m.
LB 133	Wednesday, January 18, 1995	1:30 p.m.
LB 135	Wednesday, January 18, 1995	1:30 p.m.
LB 136	Wednesday, January 18, 1995	1:30 p.m.
LB 137	Wednesday, January 18, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Education

LB 34	Monday, January 23, 1995	1:30 p.m.
LB 47	Monday, January 23, 1995	1:30 p.m.
LB 142	Monday, January 23, 1995	1:30 p.m.
LB 159	Monday, January 23, 1995	1:30 p.m.
LB 171	Monday, January 23, 1995	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Government, Military and Veterans Affairs

LB 27	Wednesday, January 18, 1995	1:30 p.m.
LB 28	Wednesday, January 18, 1995	1:30 p.m.
LB 39	Wednesday, January 18, 1995	1:30 p.m.
LB 43	Wednesday, January 18, 1995	1:30 p.m.
LB 65	Thursday, January 19, 1995	1:30 p.m.
LR 4CA	Thursday, January 19, 1995	1:30 p.m.
LB 69	Thursday, January 19, 1995	1:30 p.m.
LB 46	Friday, January 20, 1995	1:30 p.m.
LB 53	Friday, January 20, 1995	1:30 p.m.
LB 61	Friday, January 20, 1995	1:30 p.m.
LB 64	Friday, January 20, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

LB 145	Wednesday, January 18, 1995	1:30 p.m.
LB 54	Wednesday, January 18, 1995	1:30 p.m.
LB 81	Wednesday, January 18, 1995	1:30 p.m.
LB 48	Wednesday, January 18, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

MOTION - Adopt Permanent Rules

Mr. Will renewed his pending motion, found in this day's Journal, to adopt permanent rules for the Ninety-Fourth Legislature, First Session.

The Rules Committee renewed their proposed rules change, found in the Journal on page 221, to Rule 7, Section 10.

Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the proposed rules change:

Amend rule change #10
On line 11 - strike the last word "following" and insert "prior".

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

The Bernard-Stevens amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The Rules Committee proposed rules change, Rule 7, Section 10, is pending.

The Rules Committee renewed their proposed rules change, found in the Journal on page 222, to Rule 7, Section 3(e).

Messrs. Dierks and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee proposed rules change, Rule 7, Section 3(e), is pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 341. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-508 and 23-3616, Revised Statutes Supplement, 1994; to eliminate provisions related to budgetary limitations for political subdivisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-3437 to 77-3441, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 342. Introduced by Robak, 22.

A BILL FOR AN ACT relating to swimming pools; to amend section 71-4302, Reissue Revised Statutes of Nebraska; to permit certain cities and villages to establish local regulations as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 343. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to gambling; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, and sections 9-803, 9-804.01, 9-807, 9-823, 9-838, and 28-1101, Revised Statutes Supplement, 1994; to redefine terms; to eliminate a provision relating to the deputy director; to change provisions relating to the Director of the Division on Compulsive Gambling, the audiotaping of lottery game drawings, and certain Lottery Division records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-262, 9-323, 9-340.02, 9-345.03, 9-347.01, 9-350, 9-352, 9-419, and 9-434, Reissue Revised Statutes of Nebraska, and sections 9-211, 9-226, 9-227, 9-228, 9-232.01, 9-241.09, 9-255.02, 9-255.04, 9-266, 9-301, 9-303, 9-309, 9-321.02, 9-322, 9-324, 9-327, 9-329.02, 9-347, 9-348, 9-349, 9-356, 9-418, 9-420, 9-620, 9-623, 9-652, and 9-653, Revised Statutes Supplement, 1994; to define and redefine terms; to change provisions relating to bingo, lottery by the sale of pickle cards, lotteries, and raffles; to change penalty provisions; to eliminate a commission; to harmonize provisions; to repeal the original sections; and to outright repeal section 9-1,102, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 345. Introduced by Jones, 43; Bromm, 23; Coordsen, 32; Cudaback, 36; Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to the Game And Parks Commission; to amend section 37-110, Reissue Revised Statutes of Nebraska; to change in lieu of tax payments; and to repeal the original section.

LEGISLATIVE BILL 346. Introduced by Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-208, Reissue Revised Statutes of Nebraska, and section 17-107, Revised Statutes Supplement, 1994; to authorize hearings for disciplinary actions and removals of police officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 347. Introduced by Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1803, Reissue Revised Statutes of Nebraska; to define a term; to provide powers and duties relating to cable utility system ownership; to create a community advisory board; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 348. Introduced by Jones, 43; Wickersham, 49.

A BILL FOR AN ACT relating to equine activities; to provide an exemption from civil liability and for the posting of warning signs.

LEGISLATIVE BILL 349. Introduced by Robak, 22; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3803, and 79-3808, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to calculation of the local effort rate; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-209, 46-226.02, and 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to proceedings and appropriations; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges retirement; to amend sections 24-703 and 24-708, Revised Statutes Supplement, 1994; to change a fee; to change provisions relating to retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-914, Reissue Revised Statutes of Nebraska; to change provisions relating to loitering about jail; and to repeal the original section.

LEGISLATIVE BILL 353. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to disaster or civil defense; to amend section 81-829.65, Reissue Revised Statutes of Nebraska; to grant authority to law enforcement personnel; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to punitive damages; to amend sections 25-2130, 29-2812, 37-216.07, 37-1113, 48-905, 54-1808, 76-1426, 76-1437, 77-1719.04, and 84-212, Reissue Revised Statutes of Nebraska, and sections 28-101, 37-206, 39-304, and 53-164.02, Revised Statutes Supplement, 1994; to eliminate provisions providing double or triple penalties and damages; to prohibit oppression under color of office and provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-926, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 355. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-116.02, 53-117, 53-117.05, 53-131, 53-132 to 53-134, 53-135, 53-135.01, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-117.06, 53-122, 53-124, and 53-129, Revised Statutes Supplement, 1994; to change provisions relating to licenses and penalties; to create a fund; to eliminate provisions relating to policy, powers and duties, license forfeiture, copies of rules and regulations, a cash fund, elections, licenses, fees, location of licensed premises, license applications and issuance, hearings, protests, disciplinary proceedings, and appeals; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 53-134.02 and 53-134.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 356. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Elmer, 44; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; and Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Soil and Plant Analysis Laboratory Act; to amend sections 2-3103 to 2-3108 and 2-3110, Reissue Revised Statutes of Nebraska; to change provisions relating to registration, inspections, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 357. Introduced by Dierks, 40; Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to farming and ranching; to provide a reporting system for entities involved in farm and ranch operations; to provide duties for the Secretary of State and Attorney General; and to provide a penalty.

LEGISLATIVE BILL 358. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to low-level radioactive waste disposal; to amend sections 81-1579 and 81-15,104, Reissue Revised Statutes of Nebraska; to require community consent for a facility license application and the developer to pay certain costs; and to repeal the original sections.

LEGISLATIVE BILL 359. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to electricity; to require net billing for certain electricity generators.

LEGISLATIVE BILL 360. Introduced by Dierks, 40; McKenzie, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-3804, Reissue Revised Statutes of Nebraska, and section 77-27,119, Revised Statutes Supplement, 1994; to change a requirement for listing school districts and counties by taxpayers; to change school aid funding; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Will, 8.

A BILL FOR AN ACT relating to firefighters; to state intent; and to provide a rebuttable presumption concerning death or disability as a result of cancer as prescribed.

LEGISLATIVE BILL 362. Introduced by Will, 8.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01, Revised Statutes Supplement, 1994; to provide a deduction from income for certain educational expenses; to define terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,188, Reissue Revised Statutes of Nebraska; to increase fines for speeding in a construction zone; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Schimek, 27; Crosby, 29.

A BILL FOR AN ACT relating to the Local Option Tax Control Act; to amend sections 77-3405, 77-3406, and 77-3408, Reissue Revised Statutes of Nebraska, and section 77-3402, Revised Statutes Supplement, 1994; to change petition and election procedures; to eliminate a penalty and obsolete provisions; to repeal the original sections; and to outright repeal sections 77-3407 and 77-3410.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 365. Introduced by Abboud, 12; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend sections 48-801.01 and 48-816, Reissue Revised Statutes of Nebraska; to provide for special master proceedings in certain labor disputes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 366. Introduced by Bromm, 23; Dierks, 40; Janssen, 15; Jones, 43.

A BILL FOR AN ACT relating to county hospitals; to amend sections 23-904, 23-3504, 23-3507, and 71-2057, Reissue Revised Statutes of Nebraska, and sections 23-3519, 71-1628, 71-1630, and 71-1631, Revised Statutes Supplement, 1994; to change provisions relating to budget statements; to provide for establishing a county health department as a department of a county hospital; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Wehrbein, 2; Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to provide a cause of action for disparagement of a perishable agricultural food product or commodity; and to provide an operative date.

LEGISLATIVE BILL 368. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1301, 84-1310.01, 84-1311, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2309.01, 23-2310, 50-438, 72-1237, 72-1239, and 72-1243, Revised Statutes Supplement, 1994; to change provisions relating to state and county employee retirement; to define and redefine terms; to change provisions relating to investments and investment options; to change the powers and duties of the Public Employees Retirement Board, the state investment officer, and the director of the Nebraska Public Employees Retirement Systems; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1309.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 369. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1511 and 84-1511.01, Reissue Revised Statutes of Nebraska; to change provisions relating to retirement education and preretirement planning programs; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 84-1307, 84-1317, and 84-1321, Reissue Revised Statutes of Nebraska, and section 23-2319, Revised Statutes Supplement, 1994; to change provisions relating to membership, the commencement of termination benefits, and retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 371. Introduced by Lindsay, 9, Hudkins, 21, Pedersen, 39, at the request of the Governor.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-1205, 28-1206, 43-2,104, 43-2,105, 47-616, 83-1,107, 83-1,110, 83-1,116, 83-1,122, 83-1,123, and 83-4,114.01, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-416, 28-516, 28-1212.01, 28-1212.02, 29-2204, 29-2221, 29-2262, and 29-2525, Revised Statutes Supplement, 1994; to change provisions relating to penalties for felonies; to define and redefine terms; to change provisions relating to the Uniform Controlled Substances Act; to create the offenses of unauthorized use of or entry into a propelled vehicle, use of a deadly weapon to commit a felony, possession of a deadly weapon to commit a felony, possession of a deadly weapon by a felon or fugitive, and assault on an officer using a motor vehicle; to change provisions relating to sentences, incarceration, executions, and appeals; to change and eliminate provisions relating to juvenile courts, records of adjudications, and youth development centers; to provide for venue in certain cases involving theft; to provide for boot camps for adult criminal offenders; to harmonize provisions; to provide severability; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LR 15 in the Journal. No objections. So ordered.

AM0002

1. On page 2, in resolved 1, strike the third "the" and insert "an".

ANNOUNCEMENT

Mr. Wickersham announced the Nebraska Retirement Systems Committee elected Mrs. Robak as Vice Chairperson.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 7, Section 10, line 11.
Strike "only the divided portion of" and insert "the original undivided".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 223 and 331.

LB	**Committee**
223	Judiciary
331	Appropriations

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 19	Wednesday, January 18, 1995	1:30 p.m.
LB 52	Wednesday, January 18, 1995	1:30 p.m.
LB 84	Wednesday, January 18, 1995	1:30 p.m.
LB 90	Wednesday, January 18, 1995	1:30 p.m.
LB 175	Wednesday, January 18, 1995	1:30 p.m.
LB 223	Wednesday, January 18, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

Appropriations

LB 331	Wednesday, January 18, 1995	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 246. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 248 and LB 371. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 68 and LB 177. No objections. So ordered.

VISITORS

Visitors to the Chamber were Alberta and Carl Leising from Edison; Grant Brockemeier from West Point; and Joel Douglass from Martell.

The Doctor of the Day was Dorothy Zink from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, January 12, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 12, 1995

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 12, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Will who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 12, 1995.

The motion prevailed.

ANNOUNCEMENTS

Mr. Schellpeper announced the General Affairs Committee elected Mr. Will as Vice Chairperson.

Mr. Lindsay announced the Judiciary Committee elected Mrs. Hudkins as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 178 through 222, 224 through 246, 248, 249, and legislative resolutions 12CA and 14CA.

LB	Committee
178	Banking, Commerce and Insurance
179	Government, Military and Veterans Affairs
180	Government, Military and Veterans Affairs
181	Natural Resources
182	Revenue
183	Revenue
184	Revenue
185	Transportation
186	Transportation
187	Education
188	Judiciary
189	Judiciary
190	Judiciary
191	Banking, Commerce and Insurance
192	Judiciary
193	Urban Affairs
194	Urban Affairs
195	Government, Military and Veterans Affairs
196	Urban Affairs
197	Urban Affairs
198	Natural Resources
199	Government, Military and Veterans Affairs
200	Judiciary
201	Transportation
202	Revenue
203	Health and Human Services
204	Health and Human Services
205	Government, Military and Veterans Affairs
206	Health and Human Services
207	Urban Affairs
208	Revenue
209	Natural Resources
210	Revenue
211	Appropriations
212	Government, Military and Veterans Affairs
213	Transportation
214	Health and Human Services
215	Business and Labor
216	Business and Labor
217	General Affairs
218	General Affairs
219	Transportation
220	Judiciary
221	Business and Labor
222	Judiciary
224	Health and Human Services
225	Transportation

226	Urban Affairs
227	Revenue
228	Revenue
229	Natural Resources
230	Government, Military and Veterans Affairs
231	Judiciary
232	Judiciary
233	Government, Military and Veterans Affairs
234	Judiciary
235	Judiciary
236	Natural Resources
237	Natural Resources
238	Natural Resources
239	Business and Labor
240	Business and Labor
241	Education
242	Transportation
243	Judiciary
244	Judiciary
245	Transportation
246	Transportation
248	Revenue
249	Business and Labor

LR	**Committee**
12CA	Judiciary
14CA	Revenue

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

MOTION - Withdraw LR 12CA

Mr. Schmitt moved to withdraw LR 12CA.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Beermann, Allen J. - Lincoln	Nebraska Press Association

Bernbeck, Kent - Lincoln	Citizens Committee
Bleich, Walt - Lincoln	Citizen Action
Brandt, Horan, Hallstrom & Sedlacek	
Stilmock, Gerald M. - Syracuse	National Federation of Independent Business Nebraska Association of County Superintendents Nebraska Pharmacists Association Nebraska State Volunteer Firefighter's Association Southeast Rural Fire Protection District
Cline, Williams, Wright, Johnson & Oldfather	
Buntain, David R. - Lincoln	Nebraska Medical Association
Pallesen Jr., Charles M. - Lincoln	Nebraska Medical Association
Dibbern, Chris M. - Lincoln	Municipal Energy Agency of Nebraska (MEAN) Nebraska Public Gas Agency (NPGA)
Fox, Alvin - Geneva	Fox Lobbying
Frey, John O. - Lincoln	Nebraska Vocational Association (NVA)
Hale, Susan M. - Lincoln	Planned Parenthood of Omaha/Council Bluffs
Harvey, Robert A. - Alliance	Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Howell, William R. - St. Louis, MO	The UpJohn Company
Hughes, Donald G. - Schaumburg, IL	Alliance of American Insurers
Kay, Sara A. - Lincoln	Nebraska Water Resources Association
Kissel/E&S Associates	
Kissel, Gordon - Lincoln	Erickson & Sederstrom, P.C.
Lostroh, Julia J. - Lincoln	Nebraska Right to Life, Inc.
McGoveran, Gwen E. - Uehling	Nebraska Motorcyclists Coalition
Miller, George P. - Plattsmouth	Nebraska Press Association
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Nebraska Independent Landfill Owners Association Winnebago Tribe of Nebraska
Obst, Robert E. - Grand Island	U S WEST Communications
Oertwich, Ann - Lincoln	Nebraska Nurses Association
Pack, Mary M. - Lincoln	Radcliffe & Associates
Parker, David R. - Lincoln	Great West Casualty Company Joe Morten and Son, Inc.
Schmit-Albin, Julie - Lincoln	Nebraska Right to Life, Inc.
Schulz, Terry - Lincoln	Nebraska Motorcyclists Coalition
Shoehigh, William E. - Alexandria, VA	United HealthCare Corporation
Thompson, Jack S. - Lincoln	Nebraska Motorcyclists Coalition
Wallace, David R. - Omaha	Nebraska Council on Alcohol & Drug Education
Wylie, William M. - Elgin	Nebraska Insurance Information Service

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 5.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 372. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to community college boards of governors; to amend section 85-1507, Reissue Revised Statutes of Nebraska; to change provisions relating to voting on contracts as provided; and to repeal the original section.

EASE

The Legislature was at ease from 9:09 a.m. until 9:23 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 373. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5662, 71-5663, 71-5668, and 71-5669, Revised Statutes Supplement, 1994; to include students of pharmacy, dentistry, physical therapy, and occupational therapy in the loan program; and to repeal the original sections.

LEGISLATIVE BILL 374. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2020, Revised Statutes Supplement, 1994; to require counties, municipalities, and agencies to hold public hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 375. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 376. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1211, Reissue Revised Statutes of Nebraska, and section 37-1214, Revised Statutes Supplement, 1994; to provide an exemption from the numbering requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 377. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1994; to impose an excise tax on corn and grain sorghum; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 378. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to state employee retirement; to amend section 84-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to employee contributions; and to repeal the original section.

LEGISLATIVE BILL 379. Introduced by Hall, 7.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2702.07 and 77-2702.13, Revised Statutes Supplement, 1994; to redefine terms; to exclude admission fees charged by nonprofit organizations; to provide an operative date; and to repeal the original sections.

ANNOUNCEMENT

Mr. Avery announced the Intergovernmental Cooperation Committee elected Mr. Pedersen as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 38	Monday, January 23, 1995	1:30 p.m.
LB 59	Monday, January 23, 1995	1:30 p.m.
LB 82	Monday, January 23, 1995	1:30 p.m.
LB 213	Monday, January 23, 1995	1:30 p.m.
LB 37	Tuesday, January 24, 1995	1:30 p.m.
LB 80	Tuesday, January 24, 1995	1:30 p.m.
LB 92	Tuesday, January 24, 1995	1:30 p.m.
LB 112	Tuesday, January 24, 1995	1:30 p.m.
LB 186	Tuesday, January 24, 1995	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

EASE

The Legislature was at ease from 9:24 a.m. until 9:58 a.m.

MOTION - Escort Governor

Mrs. Hillman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State and Budget Address.

The motion prevailed.

The Chair appointed Messrs. Beutler, Bromm, Dierks, Wickersham, and Lindsay to serve on said Committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State of the State and Budget Address.

"The public good, the real welfare of the people is the goal of government. No government in any form, has value except as we use it to attain this goal."

Madame President, members of Nebraska's 94th Legislature family, friends and fellow Nebraskans...

Those are the paraphrased words of a famous statesman. His words sum up the need for us to continue changing the focus of government in the 1990s...toward government that upholds the good of the people, away from government for its own sake.

The name of that innovative statesman is President James Madison. The words appear in 1788 in the Federalist Papers... in this case, a letter to the people of New York, urging them to support changes in government. Changes that would establish a balance of power between state and federal governments of that day for the good of the people. Changes that would follow the original intent of the United States Constitution.

Even with the passing of more than 200 years, the goals of American government have not changed. However, we are once again facing an imbalance in governmental power. You've heard me say over and again: WE MUST CHANGE THE FACE OF GOVERNMENT.

I'm the first to admit change is not always easy. You don't have to look past my tie collection to see I'm not a rebel.

But when change is positive, for a good cause...when it is critical to our well-being, we must admit the need for change and have the courage to follow through.

President Andrew Jackson, in 1829, received a letter from then-Governor Martin Van Buren of New York which read as follows: "The canal system of this country is being threatened by the spread of a new form of transportation known as railroads."

Governor Van Buren was afraid railroad carriages, pulled at the "enormous" speed of 15 miles per hour, were endangering and frightening citizens, setting fire to crops, and jeopardizing the security of the nation. Not only that, he feared many canal workers would lose their jobs.

In hindsight, those views were narrow. It was a good decision to go ahead with the railroad. Americans had the courage to recognize the need for that change...and proceed with confidence.

Today, we also must have courage for change...change in the way we govern. Then we must proceed with confidence.

As always, when we begin a new legislative session, we face many challenges.

After decades of government set in its ways, our two biggest challenges still are government inefficiency and inflexible regulation.

Let's put it this way: Government has become disorderly... and demanding.

Disorderly government means Washington and the States duplicating one another's efforts. Or two agencies performing the same functions. Disorderly means running the state for the sake of government...not for the sake of the people. It means ineffective use of our resources. Disorderly government is inefficient government.

We've begun, over the past four years, to reduce duplication, remove unnecessary functions and use resources better. We will continue our fight for more efficient government!

Demanding government means regulatory overkill. It means inflexible, unfunded mandates. Government has a bad habit of telling us what to do and how to do it.

It's costing state and local taxpayers billions of dollars each year! We spend so much money on mandates, we don't have dollars left over to spend on our priorities.

The federal government has more power over our state budget than we do. The balance of power intended by the drafters of the constitution is no longer in place. It's time for Washington to stop playing big brother...time to start playing fairly.

We already have been fighting against unfair federal mandates and we will continue our fight on two fronts...one is long-term and the other, short-term.

To accomplish a long-term change in federal government, Nebraska must come together with other states...as partners...and respectfully nudge Congress away from unfunded mandates.

In the past four years, we've made progress. I've testified before Congress several times, led national committees on mandates and co-sponsored a push for a Conference of the States.

Our efforts are beginning to pay off. Representatives from every state will meet this year to draft a firm message to Washington: We will no longer tolerate unfunded mandates. We must restore the balance of power. The States and Congress must return to our work for America as equal partners.

Just as when our nation's founders convened a Constitutional Convention more than 200 years ago...this Conference of the States shows we mean business as well. And others from every state in the nation agree.

We all agree this process must be bi-partisan, and without influence of special interests. If either of those conditions is not met, we will stop our progress until they are met.

I am not exaggerating when I say...this Conference of the States will make history...and Nebraska is leading the way.

The second front of our attack against unfunded mandates and inefficient government is right here at home.

We have the power to make change happen...now...on our own turf, in our own state. We will make sure Nebraska communities, businesses and citizens have a say in rules and regulations that affect them.

The Executive Order I signed last year was a beginning. It requires State agencies to bring communities into the lawmaking process early on. Our negotiated rule-making process supports that effort.

Change doesn't always happen overnight.

The spread of railroad tracks into the heart of our nation took a little time. But the many people who built the railroad were inspired and challenged. They worked fast and hard.

And when they were finished, a great length of steel from coast to coast would outlive their own generation and carry a message into the future. That message is: We are a progressive nation and when we put our minds to it, we can do anything!

Likewise, no one expects changes in government to happen overnight. We will plan our strategy, take our time to make these changes real and permanent...and we WILL confidently move forward. Because it's the right thing to do. And it's about time we did it.

Picture a typical Nebraska family. They lead a wholesome life. They have strong values...and they work hard. Still, sometimes they struggle to make ends meet. I want to make their lives a little better. So they can enjoy the good life of Nebraska. So life for them is more than a matter of survival.

To do that for the families of Nebraska, we must look at everything we do in 1995 through the twin filters of efficiency and flexibility.

In other words, we must continue to clean up the disorder... and the demanding attitude of government.

Last week, when I announced an income tax cut for Nebraska taxpayers, I took the first of many steps to show Nebraskans I am serious about making government more efficient and flexible.

Some have questioned how we will come up with the money to not only fund this tax cut, but balance the budget and pay for new initiatives. It won't be easy.

But we can, indeed, pay for everything I am proposing.

We are doing things differently now. We are looking at our budget in a new way.

> Our budget will -- among other things -- return vacancy savings of more than $12 million dollars to the general fund.
>
> Our budget will bring the state more than $52 million in new federal matching funds for existing human service programs.
>
> Our budget requires agency directors to find efficiencies totaling more than $44 million dollars.

The people of Nebraska deserve to share the savings. But the tax cut is more than a handout to Nebraska families. In a day and age when governments are typically raising taxes, we are cutting taxes.

It sends a message to the people of Nebraskan that the focus of government has changed...from government itself, to the people of this state and their basic needs. And that's the whole point.

Many Nebraskans have been asking: Why did you cut income taxes, when property taxes are the real headache. Couldn't you have given the $70 million dollars back to local governments for property tax relief?

The answer to that question is: YES, I could have. But let's learn a lesson from Nebraska history.

In 1967, the State of Nebraska implemented sales and income taxes to reduce property taxes. Within three years, more property tax was levied than ever before!

In 1989, LB 84 returned more than $100 million dollars to local governments. The money was intended for property tax relief. It didn't work. Instead, almost all of the $100 million dollars went for new spending and added to the base.

The following year, $200 million dollars more were allocated for state aid to schools. After initial decreases, property taxes still continue to increase.

We took over municipal courts and Medicaid...we gave a homestead exemption...we shared the state's sales tax base with local governments.

It's not that we don't want to help.

But the only way to get property tax relief is to cut spending. Anything else is masking the problem.

On the other hand, it's unfair to be too critical of local spending when much of the spending is a result of federal and state mandates beyond local control.

Instead of playing the blame game, we must come together as Nebraskans to address this problem. It's time for us to admit our approach to property taxes hasn't worked.

I pledge to join with cities, counties and schools to find solutions to these problems.

In the meantime, I will ONLY support a tax proposal that actually puts tax dollars back into the pockets of Nebraskans.

In the past four years, we have made headway toward more efficient and responsive government.

We pulled this state together by...
  cutting $100 million dollars from the budget
  cutting taxes
  and beginning to resolve our tax crisis.

We...
created jobs for Nebraskans
increased agricultural exports by 429%
set aside lottery funds for education and the environment.

We...
promoted ethanol and came one step closer to becoming energy self-sufficient through the use of locally-based renewable fuels.

We...
pushed for welfare and health care reform . . . AND
worked hard to make our state safe.

Now, ask yourselves this question...What can government provide to Nebraskans to make the good life even better?

Part of the answer to that question lies in our 1995 legislative agenda.

First, if we expect to run state government more efficiently, we must clean our own house. We must get a handle on out-of-control government wherever it appears.

I am pleased to announce this goal in my Government Efficiency Package.

With these recommendations, we take state government beyond reaction to proaction. We will plan strategically and make more efficient use of our resources.

As a result of these efficiency recommendations, I expect to realize substantial dollar savings. In addition, I expect Nebraskans will see a simpler, more responsive government.

First, I propose we make the Department of Education a code agency. This will reduce duplication of effort and make local governments and local schools more responsible for carrying out education policy. It will make us ALL more accountable.

For the same reason, I propose a constitutional amendment to appoint the Board of Regents. Nearly 20% of the state's budget is allocated to higher education. We need to take more responsibility for this large part of the budget and be accountable to the citizens of Nebraska.

We will begin looking at the coordination of Health Care Policy.

Right now we have five agencies that work on health planning and policy. Sometimes they work together...and sometimes they don't. Consolidation of these functions will reduce costs. It also will streamline services which will make us more responsive to citizens.

In addition to coordinating Health Care Policy, we will study coordination of transportation functions. We will position Nebraska as a national leader and innovator in transportation, much as we have in telecommunications. To move us in that direction, I will soon announce a transportation efficiency project. The project will begin with an intensive study by Nebraska freight and carrier industries.

We will consolidate activities in international trade, job training, parole and probation administration.

We will coordinate activities basic to the operation of government...such as grant writing. From now on all state agencies will accept multi-purpose grant applications from communities. This means communities can coordinate requests for grant monies -- in ONE document -- to be used by ALL affected agencies.

I propose we merge administrative functions of the Public Employees' Retirement system...and of the Investment Council into the Department of Administrative Services.

I also propose we increase our efficiency by merging the administrative functions of the Nebraska Equal Opportunity Commission into the Department of Labor...and the administrative functions of the Power Review Board into the Nebraska Energy Office.

This year we will privatize the Soybean Board and the Department of Public Institutions' laundry services, as well as move the state print shop to Corrections.

Improved technology will help us streamline government in Nebraska. We will computerize State Patrol paperwork, increase use of the state video conferencing network and promote the sharing of electronic data.

The appropriate role of government is to help citizens help themselves...to feel safe, be healthy, and find jobs. Each of the initiatives I am proposing to you today will assist Nebraskans in meeting those basic needs.

Remember the days when we left our cars and houses unlocked? It's not that way anymore. In the past 10 years, arrests increased 70% for adults 198% for juveniles. I want you to know we will remain vigilant, and we will be aggressive in counteracting crime in Nebraska.

In 1995, I propose we continue our comprehensive approach to crime. We must address prevention, intervention AND detention.

First, the price of committing a crime in Nebraska will go up, especially for violent criminals and hardcore drug dealers.

Second, we will provide more tools to law enforcement such as, equipment grants and laboratory space for DNA testing.

We'll address the need for intervention, in part, by allocating an additional $3 million dollars to the Office of Juvenile Services for treatment and support of young people. The largest recent increase in crime is by and against young people. This is a priority of my agenda because we MUST not allow our youth to be trapped in the cycle of criminal behavior.

Finally, in the area of criminal detention, I propose we make it more difficult to parole violent offenders. In addition, we will provide funding for more prison guards and a boot camp. We will emphasize positive time and require inmates to EARN time off their sentences, rather than having it handed to them for merely behaving.

The people of Nebraska will not allow crime to go unchecked in our state.

In addition to feeling safe, the citizens of Nebraska deserve to be able to provide for themselves.

That is why I'm asking for a renewed commitment in the area of welfare reform.

We will expand the child care tax credit to reward middle and low income parents who work. We will strengthen enforcement of child support payments, in part with suspension and revocation of driver's and professional licenses.

We must continue to seek flexibility in the form of waivers from the federal government. We must revise conflicting statutes to move us beyond the change implemented last year. We must have practical and appropriate rules and regulations...and pass enabling legislation that will give Nebraskans a real opportunity to help themselves...to make their dreams into reality.

In addition to feeling safe and being able to provide for themselves, the citizens of Nebraska deserve to be healthy. We must be healthy to be productive. And we must be productive to be prosperous.

Even though we have come far in providing more health care options, some Nebraskans may still be unable to get health care. We will work this year to make health care more accessible by making government health care programs more efficient.

Through the Nebraska Health Care Policy Project, chaired by Lt. Governor Robak, we will work to realign state health and human services agencies to make them more efficient and more responsive.

We will achieve some flexibility in the state budget through changes in Medicaid managed care.

Then, we will review and evaluate existing programs to make sure they are as efficient and as responsive as possible. This includes a review of all rural health loan programs.

I want to help Nebraskans get better health care. I will ask for enhancement of the telemedicine program and the Rural Health Education Network at the University of Nebraska Medical Center. Also, I will call for private contracts with mental health professionals to provide services for children's mental health.

The cluster of Health and Human Services Agencies and the Governor's Blue Ribbon Coalition will study health data issues, cost containment, purchasing cooperatives and interstate compacts.

By forcing ourselves to become more efficient, we will more effectively carry out our steering role in health care...and leave the rowing to private providers.

In order to be healthy, safe and prosperous, Nebraskans deserve a first-rate education.

In 1995, that means efficient delivery of educational services. We need to determine just what it is we want from education in our state. We need to ask ourselves who should be paying for it.

Teachers play an important role in bolstering Nebraska for the good of our future. We appreciate their input into the lives of our children and their work in creating good citizens who will someday manage our state.

Educators, businesses, parents...and, yes, even the children...know what's best for their own communities. I have made a firm commitment to supporting local decisions in education.

To begin, we will adjust incentives and disincentives for reorganization of local school districts...only if they choose to reorganize.

Until then, we must protect the taxpayer with a reasonable lid on property taxes while preserving the opportunity for growth in the future.

We will move toward an educational system that is efficient, effective and helps all Nebraskans become active, involved and educated citizens of our state.

Better educated, better trained citizens get better jobs. And that's what we provide with my 1995 Economic and Human Resource Development package.

We will continue to support job training and school-to-work initiatives. We will support, as well, efforts to streamline these programs to ensure Nebraska workers are competitive.

In addition, I have proposed business tax incentives for job training and more skilled workers.

Through tax incentives in the Small Business Development Act, we will create new business opportunities in all of Nebraska's communities.

Just as importantly, this year, I will suggest we make an aggressive push to market our state. Nebraska's own Warren Buffett has agreed to give us a hand in that effort.

In addition, there are still many opportunities to bring money into our economy by selling Nebraska products internationally.

We also will transfer the technology research at our universities to our businesses to make them more competitive in the global economy.

We are in the enviable position of needing workers to fill the nearly 50 thousand jobs we have created over the past four years. After training our own to fill these positions, we must be able to attract workers from other places.

As you know, the state of Nebraska has not only boosted jobs in the private sector, but we have supported our own employees by raising their pay.

Finally, the citizens of Nebraska realize affordable housing is essential to the economic health of our state. I will work hard to get affordable housing for every Nebraska family.

Now, picture that typical Nebraska family again. They lead a wholesome life. They have strong values...and they work hard. Still, sometimes they struggle to make ends meet. If we have done our jobs right by the end of this session...their lives will be a little better. So they can enjoy the good life of Nebraska. So life for them IS INDEED more than a matter of survival.

All of these changes are, as President James Madison would say, for the public good, the real welfare of the people.

Just as James Madison and the nation's founders were aggressive and confident in their fight to uphold the constitutional balance of government, so must WE be aggressive and confident. We must declare our intent, take action and believe in ourselves.

We must work together without partisan or special interest bickering. Every level of government, every family, and every citizen of Nebraska must do their part to support these changes in government if they are to become real.

I ask you all to join me in this effort to streamline government...and have the courage for confident change. We must not be afraid to veer off our well-worn path of government management. It's obvious that change is what the people of Nebraska want.

We must have confidence to work as fast and as hard as those builders of the transcontinental railroad...and to leave a legacy as reliable as those steel rails...to keep Nebraska on track for health, safety and prosperity.

The Committee escorted Governor Ben Nelson from the Chamber.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 247, 250 through 306, and legislative resolutions 16 through 23CA.

LB	**Committee**
247	Natural Resources
250	Urban Affairs
251	Natural Resources
252	Judiciary
253	Transportation
254	Transportation
255	Health and Human Services
256	Judiciary
257	Revenue
258	Natural Resources
259	Natural Resources
260	Judiciary
261	Judiciary
262	Judiciary

263	General Affairs
264	Transportation
265	Transportation
266	Judiciary
267	Revenue
268	Revenue
269	Judiciary
270	Judiciary
271	Judiciary
272	Revenue
273	Judiciary
274	Natural Resources
275	General Affairs
276	Revenue
277	Revenue
278	Revenue
279	Banking, Commerce and Insurance
280	Urban Affairs
281	Appropriations
282	Revenue
283	Judiciary
284	Transportation
285	Government, Military and Veterans Affairs
286	Government, Military and Veterans Affairs
287	Revenue
288	Revenue
289	Natural Resources
290	Education
291	Business and Labor
292	Government, Military and Veterans Affairs
293	General Affairs
294	Revenue
295	Revenue
296	Natural Resources
297	Judiciary
298	Revenue
299	Revenue
300	Revenue
301	Natural Resources
302	Health and Human Services
303	Judiciary
304	Government, Military and Veterans Affairs
305	Judiciary
306	Government, Military and Veterans Affairs

LR	**Committee**
16	Executive Board
17CA	Government, Military and Veterans Affairs
18CA	Judiciary

19CA	Judiciary
20CA	Judiciary
21CA	Judiciary
22CA	Government, Military and Veterans Affairs
23CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 380. Introduced by Warner, 25.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend section 32-1403, Revised Statutes Supplement, 1994; to provide for a review as prescribed; and to repeal the original section.

LEGISLATIVE BILL 381. Introduced by Lynch, 13; Schmitt, 41.

A BILL .FOR AN ACT relating to the materiel division of the Department of Administrative Services; to amend section 81-161.04, Reissue Revised Statutes of Nebraska; to change provisions relating to proceeds from the sale of surplus property; to create a fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 382. Introduced by Lynch, 13; Preister, 5.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-801.01, Reissue Revised Statutes of Nebraska; to prohibit certain practices; to provide for appeals; and to repeal the original section.

LEGISLATIVE BILL 383. Introduced by Hillman, 48; Robak, 22.

A BILL FOR AN ACT relating to intercity bus systems; to amend section 13-1213, Revised Statutes Supplement, 1994; to authorize purchases of vehicles and equipment; and to repeal the original section.

LEGISLATIVE BILL 384. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-821, 8-1402, and 28-612, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-903, and 76-214, Revised Statutes Supplement, 1994; to allow for bank investments in bank subsidiary corporations; to change provisions relating to personal loans; to allow bank holding companies to own or control an unlimited number of banks as prescribed; to change provisions relating to the disclosure of confidential information; to change provisions relating to access to statements on file with the county assessor; to provide an alternative method for the disclosure of financial information by banks; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 385. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,133, Reissue Revised Statutes of Nebraska, and sections 25-21,247, 28-101, and 44-112.01, Revised Statutes Supplement, 1994; to adopt the Insurance Fraud Act; to provide criminal penalties for insurance fraud; to create a division within the Department of Insurance; to change and eliminate provisions relating to insurance fraud; to repeal the original sections; and to outright repeal sections 44-391 and 44-3,132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 386. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-802, Reissue Revised Statutes of Nebraska; to change provisions relating to public service entities; and to repeal the original section.

LEGISLATIVE BILL 387. Introduced by Day, 19.

A BILL FOR AN ACT relating to aid to dependent children; to amend section 43-504, Reissue Revised Statutes of Nebraska; to change provisions relating to payments for unborn children; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 388. Introduced by Bromm, 23; Avery, 3; Beutler, 28; Crosby, 29; Cudaback, 36; Hudkins, 21; Janssen, 15; Jones, 43; Lynch, 13; Pedersen, 39; Pirsch, 10; Preister, 5.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1835 and 81-1844, Reissue Revised Statutes of Nebraska; to impose a surcharge on certain defendants; to provide for distribution of the surcharge; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 389. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 390. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 90-503 and 90-506, Reissue Revised Statutes of Nebraska; Laws 1993, LB 138A, sections 5, 6, 7, and 8; Laws 1993, LB 330, sections 34, 43, and 64; Laws 1993, LB 541, sections 34, 109, 115, 207, 217, and 232; Laws 1993, LB 815A, section 1; Laws 1994, LB 677A, section 1; and Laws 1994, LB 991, sections 8, 10, 21, 34, 47, 49, 52, 53, 54, 57, 66, 69, 72, 77, 80, 94, 99, 105, 114, 121, 123, 124, 125, 137, 145, 146, 159, 161, and 169; to state intent; to define terms; to change and eliminate appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to transfer funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 391. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 392. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1997; to transfer funds; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 393. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1995-96 and FY1996-97; and to declare an emergency.

LEGISLATIVE BILL 394. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1996, and June 30, 1997; to define terms; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to amend section 84-1611, Reissue Revised Statutes of Nebraska; to change provisions relating to health benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 396. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real property; to amend sections 45-711, 76-252, and 76-1014.01, Revised Statutes Supplement, 1994; to change provisions relating to recording; and to repeal the original sections.

LEGISLATIVE BILL 397. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-101.04, Revised Statutes Supplement, 1994; to provide for reverse mortgage loans; and to repeal the original section.

LEGISLATIVE BILL 398. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to labor organizations; to define terms; to require certain employees to pay for collective bargaining and contract enforcement as prescribed; and to provide powers and duties for labor organizations and employers.

LEGISLATIVE BILL 399. Introduced by Brashear, 4; Abboud, 12; Avery, 3; Beutler, 28; Bohlke, 33; Bromm, 23; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1401, Revised Statutes Supplement, 1994; to provide restrictions on loans; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 400. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment; to amend sections 23-2525, 23-2531, 48-1101, 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and section 23-2541, Revised Statutes Supplement, 1994; to define a term; to change provisions relating to employment discrimination based on sexual orientation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 401. Introduced by Wesely, 26; Brown, 6.

A BILL FOR AN ACT relating to child care; to amend sections 43-2601, 43-2603 to 43-2606, 43-2608 to 43-2618, 43-2620, 43-2624, 71-1902, 71-1904, 71-1908, 71-1909, 71-1912, 71-1913.02, 71-1914, 71-1916, 71-1917, 79-444, 79-3322, and 81-502, Reissue Revised Statutes of Nebraska, and sections 29-2264, 43-2607, 68-1206, 71-901, 71-1901, 71-1903, 71-1907, 71-1910, 71-1911, 71-1913, 71-1913.01, 71-1913.03, and 71-1915, Revised Statutes Supplement, 1994; to change provisions relating to child care; to eliminate a steering committee; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1918, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 402. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to foster care; to amend sections 71-1902 and 71-1904, Reissue Revised Statutes of Nebraska; to change and add provisions relating to licensure; and to repeal the original section.

LEGISLATIVE BILL 403. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to vital statistics; to amend sections 71-612, 71-617.15, 71-627, 71-628, and 71-634, Revised Statutes Supplement, 1994; to change filing fees; to change provisions relating to a record of annulment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 404. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 28-411 and 28-414, Reissue Revised Statutes of Nebraska, and section 28-405, Revised Statutes Supplement, 1994; to change the schedule of controlled substances; to change practices relating to prescriptions and labeling; to change a record maintenance provision; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health; to amend sections 71-3502, 71-3505, 71-3508, 71-3515.01, and 71-3515.02, Reissue Revised Statutes of Nebraska, and sections 71-3501, 71-3503, 71-3507, 71-7001, 71-7004, and 71-7012, Revised Statutes Supplement, 1994; to change provisions relating to education, training, and testing of persons operating X-ray systems; to change provisions relating to mammography; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 406. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-6001 to 71-6007, 71-6310, 71-6310.01, 71-6311, 71-6314, 71-6317, 81-642, and 81-646, Reissue Revised Statutes of Nebraska, and sections 71-6301 and 71-6303, Revised Statutes Supplement, 1994; to change provisions relating to asbestos, health care facility receiverships, and the cancer registry; to define and redefine terms; to provide fees; to provide powers and duties; to eliminate provisions relating to provisional licenses and asbestos management plans; to repeal the original sections; and to outright repeal sections 71-6309.01 and 71-6315, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 407. Introduced by Matzke, 47; Elmer, 44.

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-906 and 57-911, Reissue Revised Statutes of Nebraska, and section 57-919, Revised Statutes Supplement; to change provisions relating to fees; to change a levy provision; and to repeal the original sections.

LEGISLATIVE BILL 408. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to notary publics; to amend section 64-101, Reissue Revised Statutes of Nebraska; to authorize appointment of nonresidents as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 25	Thursday, January 19, 1995	1:30 p.m.
LB 83	Thursday, January 19, 1995	1:30 p.m.

LB 173	Thursday, January 19, 1995	1:30 p.m.
LB 214	Thursday, January 19, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Natural Resources

LB 114	Thursday, January 19, 1995	1:30 p.m.
LB 60	Thursday, January 19, 1995	1:30 p.m.
LB 274	Thursday, January 19, 1995	1:30 p.m.
LB 259	Thursday, January 19, 1995	1:30 p.m.
LB 176	Thursday, January 19, 1995	1:30 p.m.

LB 143	Friday, January 20, 1995	1:30 p.m.
LB 147	Friday, January 20, 1995	1:30 p.m.
LB 35	Friday, January 20, 1995	1:30 p.m.
LB 296	Friday, January 20, 1995	1:30 p.m.
LB 236	Friday, January 20, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Business and Labor

LB 20	Monday, January 23, 1995	1:00 p.m.
LB 44	Monday, January 23, 1995	1:00 p.m.
LB 239	Monday, January 23, 1995	1:00 p.m.
LB 240	Monday, January 23, 1995	1:00 p.m.

(Signed) Chris Abboud, Chairperson

Judiciary

Governor Appointments	Thursday, January 19, 1995	1:15 p.m.

Crime Victims Reparation Commission
  James Riskowski
  Colonel Ron Tussing
  Catherine Walters

LB 22	Thursday, January 19, 1995	1:30 p.m.
LB 40	Thursday, January 19, 1995	1:30 p.m.
LB 71	Thursday, January 19, 1995	1:30 p.m.
LB 161	Thursday, January 19, 1995	1:30 p.m.

LR 1CA	Thursday, January 19, 1995	1:30 p.m.
LR 9CA	Thursday, January 19, 1995	1:30 p.m.
LR 21CA	Thursday, January 19, 1995	1:30 p.m.

LB 78	Friday, January 20, 1995	1:30 p.m.
LB 79	Friday, January 20, 1995	1:30 p.m.

LB 125	Friday, January 20, 1995	1:30 p.m.
LB 127	Friday, January 20, 1995	1:30 p.m.
LB 192	Friday, January 20, 1995	1:30 p.m.
LB 231	Friday, January 20, 1995	1:30 p.m.
LB 234	Friday, January 20, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

Revenue

LB 26	Thursday, January 19, 1995	2:30 p.m.
LB 167	Thursday, January 19, 1995	2:30 p.m.
LB 49	Thursday, January 19, 1995	2:30 p.m.
LB 268	Thursday, January 19, 1995	2:30 p.m.

LR 3CA	Friday, January 20, 1995	1:30 p.m.
LR 14CA	Friday, January 20, 1995	1:30 p.m.

LB 152	Friday, January 20, 1995	1:30 p.m.
LB 153	Friday, January 20, 1995	1:30 p.m.
LB 202	Friday, January 20, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Banking, Commerce and Insurance

LB 41	Monday, January 23, 1995	1:30 p.m.
LB 76	Monday, January 23, 1995	1:30 p.m.
LB 96	Monday, January 23, 1995	1:30 p.m.
LB 109	Monday, January 23, 1995	1:30 p.m.
LB 119	Monday, January 23, 1995	1:30 p.m.
LB 163	Monday, January 23, 1995	1:30 p.m.

(Signed) David Landis, Chairperson

Education

LB 123	Tuesday, January 24, 1995	1:30 p.m.
LB 148	Tuesday, January 24, 1995	1:30 p.m.
LB 70	Tuesday, January 24, 1995	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

SPEAKER WITHEM PRESIDING

EASE

The Legislature was at ease from 10:49 a.m. until 10:53 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 409. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302, Revised Statutes Supplement, 1994; to eliminate provisions relating to citations for failure to register motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 410. Introduced by Janssen, 15; Hartnett, 45; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302, Revised Statutes Supplement, 1994; to change provisions relating to citations for failure to register motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 411. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-323 and 25-331, Reissue Revised Statutes of Nebraska; to change provisions relating to necessary parties and third-party actions; and to repeal the original sections.

LEGISLATIVE BILL 412. Introduced by Janssen, 15; Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of taxes; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Pirsch, 10; Coordsen, 32; Dierks, 40; Jensen, 20; Jones, 43; Witek, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to provide for rights and privileges of certain taxpayers; to provide duties for the Department of Revenue and the Tax Commissioner; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Day, 19; Withem, 14.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 71-1,147.01, 71-1704, 71-1705, 71-1707, 71-1714, 71-1716 to 71-1716.03, 71-1721, 71-1721.07, 71-1723, 71-1723.01, and 71-1725 to 71-1726.02, Reissue Revised Statutes of Nebraska, sections 71-1,103, 71-1,132.11, 71-1,143, 71-1706, 71-1717, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1730, 71-1735, and 71-1913.01, Revised Statutes Supplement, 1994; to provide for licensing of advanced registered nurse practitioners; to eliminate certification of nurse practitioners; to change provisions relating to certified registered nurse anesthetists; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1711, 71-1715, and 71-1721.01 to 71-1721.05, Reissue Revised Statutes of Nebraska, and sections 71-1716.04 and 71-1728, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 415. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend sections 8-103.01, 8-1,134, 8-1,136, 8-1,137, 8-1401, 28-612, and 44-1601, Reissue Revised Statutes of Nebraska, and section 21-17,120.01, Revised Statutes Supplement, 1994; to adopt the Credit Union Act; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 21-1760 to 21-1764, 21-1766 to 21-1770, 21-1772 to 21-1773.01, 21-1775, 21-1776, 21-1777.01 to 21-1781, 21-1783 to 21-1789, 21-1791, 21-1793 to 21-1796, 21-1799 to 21-17,108, 21-17,110, 21-17,112 to 21-17,117.04, 21-17,120, and 21-17,120.02 to 21-17,125, Reissue Revised Statutes of Nebraska, and sections 21-1771, 21-1774, 21-1777, 21-1782, 21-1790, 21-17,117.05, 21-17,118, and 21-17,126, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 416. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to veterans; to amend sections 80-305 and 80-401.01, Reissue Revised Statutes of Nebraska; to change the membership of the veterans homes Board of Inquiry and Review; to redefine a term; to eliminate an obsolete provision; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 214. No objections. So ordered.

Mr. Avery asked unanimous consent to have his name added as cointroducer to LB 338. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 19. No objections. So ordered.

EASE

The Legislature was at ease from 10:58 a.m. until 11:07 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 417. Introduced by Withem, 14.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-3806, Reissue Revised Statutes of Nebraska; to eliminate certain provisions relating to aid for option districts; and to repeal the original section.

LEGISLATIVE BILL 418. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to legal notices; to amend sections 33-141 to 33-143, Reissue Revised Statutes of Nebraska; to change provisions relating to publication costs; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-1501.01 and 79-1514.05, Reissue Revised Statutes of Nebraska; to authorize an election to pay the retirement system for up to ten years of service as a nonmember; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 420. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1056, Revised Statutes Supplement, 1994; to change provisions relating to garnishment; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-245, 43-247 and 43-254, Reissue Revised Statutes of Nebraska, 1943, and sections 43-286, 43-287, 43-289, 43-2,129, 83-925.06, 83-925.07, and 83-925.10, Revised Statutes Supplement, 1994; to change the jurisdictional age of individuals under the Nebraska Juvenile Code; to provide for placement in a secure youth confinement facility; to provide duties for the Department of Correctional Services; to provide for commitment to twenty-six years of age for certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to child labor; to amend section 48-310, Reissue Revised Statutes of Nebraska; to change provisions relating to working hours; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Lindsay, 9; Bromm, 23.

A BILL FOR AN ACT relating to guardians and conservators; to amend section 30-2601, Reissue Revised Statutes of Nebraska, and sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2625 to 30-2628, 30-2630.01, 30-2633, 30-2634, 30-2637, and 30-2639, Revised Statutes Supplement, 1994; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to change certain bond requirements; to state intent; to redefine a term; to change provisions relating to temporary guardianship and conservatorship proceedings, expedited hearings, the authority of the court pursuant to the creation of a will by a protected person or the creation or alteration of his or her estate plan, and limitations on proceedings against trustees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 424. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-111, 75-114, 75-115, 75-117, 75-124, 75-301, 75-307, 75-308, 75-314, 75-315, 75-316, 75-319, 75-322.02, and 75-366, Reissue Revised Statutes of Nebraska, and sections 48-604, 75-109, 75-112, 75-113, 75-116, 75-118, 75-126, 75-133, 75-134, 75-302, 75-303, 75-303.01, 75-304.01, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-370, 75-371, 75-381, and 75-382, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to the regulation of motor carriers; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 75-309.03, 75-312, and 75-317, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 425. Introduced by Engel, 17, Avery, 3, Bohlke, 33, Brashear, 4, Bromm, 23, Brown, 6, Coordsen, 32, Crosby, 29, Cudaback, 36, Day, 19, Dierks, 40, Fisher, 35, Hall, 7, Hartnett, 45, Hillman, 48, Janssen, 15, Lindsay, 9, Lynch, 13, Matzke, 47, Maurstad, 30, McKenzie, 34, Pirsch, 10, Robak, 22, Robinson, 16, Schmitt, 41, Schrock, 38, Stuhr, 24, Vrtiska, 1, Wesely, 26, Wickersham, 49, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.01, 81-1201.03, and 81-1201.20, Reissue Revised Statutes of Nebraska; to create the Selective Enhancement for Economic Development Fund; to authorize loans; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

ADJOURNMENT

At 11:10 a.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, January 17, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 17, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Virgil Willits, Christian Church Disciples of Christ.

PRESIDENT ROBAK PRESIDING

ROLL CALL

The roll was called and all members were present except Mr. Will who was excused; and Messrs. Abboud, Beutler, Bromm, Coordsen, Kristensen, Landis, Lindsay, Lynch, Matzke, Robinson, Schrock, Warner, Wickersham, Mmes. Bohlke, Crosby, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 210, last line, after "Schimek, 27" insert "at the request of the Governor".
The Journal for the fifth day was approved as corrected.
The Journal for the seventh day was approved.

MOTION - Adopt Temporary Rules

Mr. Withem moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 17, 1995.

The motion prevailed.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 169	Tuesday, January 24, 1995	1:30 p.m.
LB 85	Tuesday, January 24, 1995	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

MOTION - Adopt Permanent Rules

Mr. Hall renewed the Will pending motion, found in the Journal on page 236 and renewed on page 247, to adopt permanent rules for the Ninety-Fourth Legislature, First Session.

Mr. Hall renewed the Rules Committee proposed rules change, found in the Journal on page 222 and considered on page 247, to Rule 7, Section 3(e).

The Rules Committee proposed rules change lost with 2 ayes, 22 nays, 8 present and not voting, and 17 excused and not voting.

Mr. Hall renewed the Rules Committee proposed rules change, found in the Journal on page 222, to Rule 6, Section 6.

The Rules Committee proposed rules change was adopted with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

Messrs. Wehrbein and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm renewed the Rules Committee proposed rules change, found in the Journal on page 222, to Rule 7, Section 3(e).

Mr. Withem offered the following amendment to the proposed rules change:

Line 7, after "germaneness," insert "even"

Lines 9 and 10, strike "likewise be germane to the bill or pending amendment." and insert "be subject to germaneness rulings."

Ms. Day and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Withem requested a roll call vote on his amendment to the proposed rules change.

Mr. Withem requested the roll call vote be taken in reverse order.

Voting in the affirmative, 29:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Cudaback
Dierks
Elmer
Fisher
Hillman
Hudkins
Kristensen
Lynch
Matzke
Maurstad
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Withem

Voting in the negative, 14:

Bromm
Chambers
Engel
Hall
Hartnett
Janssen
Jensen
Jones
Lindsay
McKenzie
Pedersen
Robak
Wesely
Witek

Present and not voting, 1:

Preister

Excused and not voting, 5:

Crosby
Day
Landis
Wickersham
Will

The Withem amendment was adopted with 29 ayes, 14 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hall requested a record vote on the Rules Committee proposed rules change, Rule 7, Section 3(e), as amended.

Voting in the affirmative, 26:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Engel
Fisher
Hillman
Hudkins
Lynch
Pedersen
Preister
Robak
Robinson
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Withem

Voting in the negative, 7:

Hall
Janssen
Jensen
Lindsay
Maurstad
Wesely
Witek

Present and not voting, 11:

Abboud
Chambers
Hartnett
Jones
Kristensen
Matzke
McKenzie
Pirsch
Schellpeper
Schimek
Vrtiska

Excused and not voting, 5:

Crosby
Day
Landis
Wickersham
Will

The Rules Committee proposed rules change, as amended, was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 27CA. Introduced by Chambers, 11.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "~~At the general election to be held in November 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ All members of the Legislature shall be elected for ~~a term~~ terms of four years, with the manner of ~~such~~ election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office~~,~~ and the law providing for ~~such~~ redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ salary and expenses, ~~and employees~~ except that members of the Legislature may participate in any employee benefit programs or plans in which other state officers are authorized to participate. Employees of the Legislature shall receive no compensation other than ~~their~~ salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize members of the Legislature to participate in employee benefit programs or plans in which other state officers are authorized to participate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 28. Introduced by Withem, 14; Day, 19; Lindsay, 9; Matzke, 47; Wesely, 26.

WHEREAS, the area of intercountry adoptions remains vague and unclearly defined; and

WHEREAS, many citizens of the State of Nebraska share concerns about intercountry adoptions; and

WHEREAS, the State of Nebraska has traditionally been dedicated to serving the best interests of children; and

WHEREAS, the text of the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, a multilateral treaty prepared by the Hague Conference on Private International Law, was adopted on May 29, 1993; and

WHEREAS, the Convention covers all adoptions between countries that become parties to it, including adoptive parent initiated, agency arranged, or private, independent adoptions and spells out internationally agreed minimum norms and procedures designed to protect interests of the children, birth parents, and adoptive parents; and

WHEREAS, the 1993 Hague Intercountry Adoption Convention was signed by the United States on March 31, 1994, a symbolic act without legal consequences, signaling that the U.S. government is seeking to obtain necessary authority to be able to ratify the Convention; and

WHEREAS, in the early spring of 1995, the fifth meeting of the U.S. State Department's Study Group on Intercountry Adoption will be held to discuss the draft of federal implementing legislation prepared by federal government agencies; and

WHEREAS, the purpose of the federal legislation is to ensure the uniform and full implementation of the Convention throughout the United States, whether the United States is the receiving State or the State of origin of the children involved, to safeguard the children and the interests of the two sets of parents involved in such adoptions; and

WHEREAS, the United States State Department is welcoming and encouraging the input of state adoption licensing agencies at such meeting to facilitate a practical discussion in due effort ultimately to reach a consensus on how to implement the Convention; and

WHEREAS, the Department of Social Services is the licensing authority for adoption agencies in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the appropriate agents of the Department of Social Services be, and hereby are, encouraged actively to participate in the fifth meeting of the United States State Department's Study Group on Intercountry Adoption, to be held in early spring, 1995.

Laid over.

LEGISLATIVE RESOLUTION 29CA. Introduced by Bohlke, 33, Withem, 14, at the request of the Governor.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 10, Article VII, section 15, Article XV, section 22, and Article XV, section 23:

VII-10 "The ~~general government of the~~ University of Nebraska shall~~, under the direction of the Legislature,~~ be ~~vested in~~ administered, as directed by the Legislature, by a board ~~of not less than six nor more than eight regents~~ to be designated the Board of Regents of the University of Nebraska.

Before 1998, the board shall consist of not less than six nor more than eight regents. The voting members of the Board of Regents ~~,~~ ~~who~~ shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, the student body president of the University of Nebraska at Kearney, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. ~~Their~~ The duties and powers of the members shall be prescribed by law, ~~;~~ and they shall receive no compensation~~,~~ but may be reimbursed their actual expenses incurred in the discharge of their duties.

Beginning in 1998, the board shall consist of not less than six nor more than nine regents. The voting members of the Board of Regents shall no longer be elected and the Governor shall appoint the voting members to the board as the terms of elected members expire. Any member elected before 1998 shall be eligible for appointment to the board after his or her elective term expires. The Governor shall appoint a total of nine members to serve on the board. Eight of such appointed members shall be selected from the regent districts as such districts exist at the time of their appointment, and one member shall be appointed at large. Appointments to the board shall be subject to approval by a majority of the members elected to the Legislature, and the terms of such appointments shall be for six years, except that the Governor may remove a member prior to the expiration of the member's term. The nonvoting student member positions shall be retained. The duties and powers of the members of the board shall be prescribed by law, and they shall receive no compensation but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which districts shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term."

VII-15 "Elected Officials; ineligibility. (1) The members of ~~the Board of Regents and~~ the State Board of Education shall be ineligible to file for re-election to their respective offices and shall be ineligible to serve in their respective offices for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election and as further provided in Article XV Section 22.

(2) The voters of the state may lengthen, shorten, or eliminate the limitation on terms of office for the State Board of Education or the governing board of a state institution of higher education imposed by this Section 15."

XV-22 "Appointments; effective date of term; ineligibility. The following provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, members of the State Legislature, elected members of the Public Service Commission, elected members of the State Board of Education: ~~, elected members of the Board of Regents of the University of Nebraska:~~

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3 and 20; Article VII Section 3; ~~and 10;~~ Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 426. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1994; to provide for a driver safety course as prescribed; and to repeal the original section.

LEGISLATIVE BILL 427. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to schools; to amend sections 84-1601, 84-1604, and 84-1612, Reissue Revised Statutes of Nebraska; to provide insurance coverage under the Nebraska State Insurance Program for school employees; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 60-6,246, 60-1301, 71-1569, 76-1463, 81-5,138, 81-5,142, and 81-1615, Reissue Revised Statutes of Nebraska, and sections 14-402, 15-902, 19-902, 23-114, 28-1212.02, and 71-6405, Revised Statutes

Supplement, 1994; to eliminate the Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1555, 71-1556, 71-1560, 71-1562, 71-1563, 71-1566 to 71-1568, 71-4601, 71-4602, 71-4605, 71-4612, 71-4615, and 81-5,140, Reissue Revised Statutes of Nebraska, and sections 71-1557 to 71-1559, 71-1561, 71-1564, 71-1565, 71-4603 to 71-4604.01, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, and 71-4616 to 71-4620, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 429. Introduced by Cudaback, 36; Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to require state funding of 4-H and Future Farmers of America programs at the Nebraska State Fair.

LEGISLATIVE BILL 430. Introduced by Schellpeper, 18; Day, 19.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2702.13, Revised Statutes Supplement, 1994; to provide an exemption relating to materials used in the manufacturing of steel; and to repeal the original section.

LEGISLATIVE BILL 431. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Reissue Revised Statutes of Nebraska; to change provisions relating to payment for state wards' education costs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 432. Introduced by Withem, 14.

A BILL FOR AN ACT relating to wards of the state; to amend section 79-445, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of special education costs; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 433. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-4,196, Reissue Revised Statutes of Nebraska; to change provisions relating to use of force; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend section 49-1499, Reissue Revised Statutes of Nebraska, and section 2-3311, Revised Statutes Supplement, 1994; to authorize a private sector qualified state soybean board for a federal program; to provide duties for the Soybean Development, Utilization, and Marketing Board, the Director of Agriculture, the State Auditor, and the State Treasurer; to eliminate the Nebraska Soybean Resources Act and its board and fund; to transfer funds; to provide operative dates; to repeal the original section; to outright repeal sections 2-3301, 2-3303 to 2-3310, and 2-3315 to 2-3324, Reissue Revised Statutes of Nebraska, section 2-3302, Revised Statutes Supplement, 1994, and section 2-3311, Revised Statutes Supplement, 1994, as amended by section 8 of this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend section 28-105, Reissue Revised Statutes of Nebraska; to require payment of football players as prescribed; to state intent; to provide a penalty; to provide for a Class V felony; and to repeal the original section.

LEGISLATIVE BILL 436. Introduced by Hartnett, 45; Brashear, 4; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2708, Reissue Revised Statutes of Nebraska, and sections 18-2709 and 18-2717, Revised Statutes Supplement, 1994; to redefine terms; to eliminate a restriction relating to appropriations; and to repeal the original sections.

LEGISLATIVE BILL 437. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-3801 and 79-3806, Reissue Revised Statutes of Nebraska; to change provisions relating to equalization aid for option students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend sections 48-719, 48-722 to 48-727, 48-729 to 48-733, 48-735, 48-737, and 48-743, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to boiler inspections and fees charged; to provide for special inspector commissions; to create a fund and change funding; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-734 and 48-735, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 439. Introduced by Vrtiska, 1; Matzke, 47.

A BILL FOR AN ACT relating to public assistance; to provide for reimbursement to counties for medical assistance program costs and general assistance program costs.

LEGISLATIVE BILL 440. Introduced by Vrtiska, 1; Matzke, 47; Wesely, 26.

A BILL FOR AN ACT relating to public assistance; to provide for reimbursement to counties for medical assistance program costs and general assistance program costs.

LEGISLATIVE BILL 441. Introduced by Vrtiska, 1; Wesely, 26.

A BILL FOR AN ACT relating to Beatrice State Developmental Center; to amend sections 83-376 and 83-1211, Reissue Revised Statutes of Nebraska; to change provisions relating to payment for care; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 442. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to medical records; to require health care providers to furnish a patient's medical records to the patient as prescribed.

LEGISLATIVE BILL 443. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to military personnel; to amend section 80-901, Reissue Revised Statutes of Nebraska; to phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces; and to repeal the original section.

LEGISLATIVE BILL 444. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to counties; to provide for state financing of county indigent legal representation.

LEGISLATIVE BILL 445. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-3819, Reissue Revised Statutes of Nebraska; to change provisions relating to applicable allowable growth rate; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Hall, 7.

A BILL FOR AN ACT relating to parole; to amend sections 83-189 to 83-191, 83-196, 83-1,111, and 83-1,114, Reissue Revised Statutes of

Nebraska; to change provisions relating to the Board of Parole; to change voting requirements; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Robinson, 16; Matzke, 47; Withem, 14.

A BILL FOR AN ACT relating to highways; to amend section 39-1353, Reissue Revised Statutes of Nebraska; to change provisions relating to construction contract proposal forms; and to repeal the original section.

LEGISLATIVE BILL 448. Introduced by Day, 19.

A BILL FOR AN ACT relating to physical therapists; to amend sections 71-2802 and 71-2819, Reissue Revised Statutes of Nebraska, and section 71-2803.01, Revised Statutes Supplement, 1994; to change provisions relating to temporary practitioners and credentials and relating to fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 449. Introduced by Day, 19.

A BILL FOR AN ACT relating to dental hygienists; to amend section 71-193.18, Reissue Revised Statutes of Nebraska; to authorize the administration of local anesthesia; and to repeal the original section.

LEGISLATIVE BILL 450. Introduced by Legislative Program Evaluation Committee: Warner, 25, Chairperson; Hall, 7; Hillman, 48.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-139 to 20-141, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, and 48-1122 to 48-1126, Reissue Revised Statutes of Nebraska; to eliminate obsolete language; to change causation determinations; to change the time for filing of complaints; to change provisions relating to the Nebraska Fair Employment Practice Act; to prohibit discrimination based on sex or age; to define terms; to provide additional powers for the Equal Opportunity Commission; to provide procedures for investigations and determinations of alleged discrimination; to redefine a penalty; to provide a statute of limitations; to eliminate the Act Prohibiting Unjust Discrimination in Employment Because of Age and provisions relating to discriminatory wage practices based on sex; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 451. Introduced by Engel, 17; Dierks, 40; Robinson, 16.

A BILL FOR AN ACT relating to foster care; to amend sections 71-1902, 71-1904, and 71-1905, Reissue Revised Statutes of Nebraska, and sections 71-1901 and 71-1903, Revised Statutes Supplement, 1994; to provide for licensure standards for Native American foster homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 77-1716, 79-810, 79-903, 79-2210, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 2-2444, 13-508, 13-509, 14-1821, 18-2107, 23-909, 23-3552, 77-509, 77-509.01, 77-1315, 77-1327, 77-1378, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1601, and 77-1612, Revised Statutes Supplement, 1994; to change dates relating to assessment and taxation of property; to eliminate a provision relating to adjustments to property valuation; to eliminate appeal provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1506.02 and 77-1385 to 77-1388, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 453. Introduced by Brown, 6.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2202, Revised Statutes Supplement, 1994; to change provisions relating to the Local Government Miscellaneous Expenditure Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 454. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to public office; to adopt the Leave of Absence for Candidacy and Public Service Act.

LEGISLATIVE BILL 455. Introduced by Bohlke, 33, Bromm, 23, Day, 19, Matzke, 47, McKenzie, 34, at the request of the Governor.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 43-504, Reissue Revised Statutes of Nebraska, and sections 43-512, 68-1702, 68-1708, 68-1711, 68-1713, 68-1715, 68-1717, 68-1721, and 68-1730, Revised Statutes Supplement, 1994; to change provisions relating to the self-sufficiency contract, a report, and implementation of waivers; to eliminate provisions relating to an assessment tool, a report, the Nebraska Training Partnership, and a committee; to harmonize provisions; to repeal the original sections; to outright repeal sections 68-1710, 68-1712, 68-1714, and 68-1735, Revised Statutes Supplement, 1994; to provide operative dates; and to declare an emergency.

LEGISLATIVE BILL 456. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1507, Reissue Revised Statutes of Nebraska, and sections 8-157 and 8-1515, Revised Statutes Supplement, 1994; to change provisions relating to branch banking; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Preister, 5.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1419 and 28-1425, Reissue Revised Statutes of Nebraska, and section 28-1421, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to licenses for sale of tobacco and tobacco products; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Fisher, 35; Avery, 3; Engel, 17; Hudkins, 21.

A BILL FOR AN ACT relating to snowmobiles; to amend sections 60-6,322, 60-6,324, 60-6,331, 60-6,335, and 60-6,339, Reissue Revised Statutes of Nebraska; to provide for decals; to eliminate provisions relating to number plates and equipment regulations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 460. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to breast and cervical cancer; to amend sections 71-7001, 71-7002, 71-7003, 71-7004, 71-7009, 71-7010, 71-7012, and 71-7013, Revised Statutes Supplement, 1994; to change provisions relating to mammography screening; to provide for use of certain federal funds; to change provisions relating to a fund and a committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1994; to adopt updated federal Motor Carrier Safety Regulations and updated federal

Hazardous Material Regulations as Nebraska law; to change a reference to the federal Motor Carrier Safety Regulations; and to repeal the original sections.

LEGISLATIVE BILL 462. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-480, 60-491, 60-4,123, 60-4,124, 60-4,125, 60-4,126, 60-4,142, 60-4,183, 60-6,117, and 60-1403.01, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,112, and 60-4,118, Revised Statutes Supplement, 1994; to change provisions relating to the issuance of motor vehicle operators' licenses and permits; to change penalty provisions; to provide for a driver safety course; to provide for an advisory committee; to require a driver's education and training course as prescribed; to provide for the revocation of motor vehicle operators' licenses and permits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 463. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to the Light-Density Rail Line Assistance Act; to amend sections 74-1401 to 74-1402.01, 74-1405 to 74-1406, 74-1407.01, 74-1410, 74-1410.01, 74-1412.01 to 74-1415.01, 74-1415.04, 74-1415.05, 74-1419.02, 74-1420 to 74-1420.03, 74-1427, and 74-1429, Revised Statutes Supplement, 1994; to change provisions relating to revitalization projects; to define and redefine terms; to change and provide powers and duties of the Nebraska Railway Council and the Department of Roads; to eliminate the division of railroads; to change provisions relating to grants, loans, and funding; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1415.02, 74-1419.01, and 74-1419.03, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 464. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motorboats; to amend sections 23-186, 37-1214, 37-1275 to 37-1280, 37-1282 to 37-1287, 37-1289, and 37-1291, Revised Statutes Supplement, 1994; to change provisions relating to motorboat registration, certificates of title, and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-311.03, 60-311.04, 60-311.08 to 60-311.10, 60-311.12, and 60-311.13, Reissue Revised Statutes of Nebraska; to provide for special interest license plates; to change provisions relating to veterans and personalized message license plates; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 466. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to railroads; to create the Nebraska Railroad Grade Crossing Safety Committee; to provide a termination date; and to provide powers and duties.

LEGISLATIVE BILL 467. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-115, 60-308, 60-311.12, 60-479, 60-483, 60-4,115, 60-4,119, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 37-1287, 60-302, 60-462, 60-484, 60-4,118, and 60-4,181, Revised Statutes Supplement, 1994; to change the disposition of fees; to eliminate a fund; to provide for employer checks of the National Driver Register; to provide a fee; to change provisions relating to physical impairment and renewal of operator's licenses; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 60-1514, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 468. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.04, Reissue Revised Statutes of Nebraska, and section 53-117.06, Revised Statutes Supplement, 1994; to eliminate provisions relating to registration of beer kegs; to harmonize provisions; to repeal the original sections; and to outright repeal sections 53-167.01 to 53-167.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 469. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4616, Reissue Revised Statutes of Nebraska, and section 19-4618, Revised Statutes Supplement, 1994; to provide for a consolidated rate hearing by videoconference as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 470. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-705 and 31-707, Reissue Revised Statutes of Nebraska, and section 31-733, Revised Statutes Supplement, 1994; to increase salaries for trustees and clerks; and to repeal the original sections.

LEGISLATIVE BILL 471. Introduced by Landis, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-318 and 28-320, Reissue Revised Statutes of Nebraska, and section 28-319, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to sexual assault; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Avery, 3; Cudaback, 36; Janssen, 15; Kristensen, 37; Lindsay, 9; Pirsch, 10.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2303, Revised Statutes Supplement, 1994; to change provisions relating to personal property remaining on premises after vacation of premises by a tenant; and to repeal the original section.

LEGISLATIVE BILL 473. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-749, 44-4101, and 44-4110, Reissue Revised Statutes of Nebraska, and sections 44-513 and 44-1525, Revised Statutes Supplement, 1994; to provide requirements for preferred provider policies and contracts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to family law; to amend section 43-1414, Revised Statutes Supplement, 1994; to change provisions relating to genetic testing in paternity determinations; to provide for enforcement and modification of certain foreign support orders; to authorize certain Department of Social Services petty cash funds; and to repeal the original section.

LEGISLATIVE BILL 475. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to provide procedures for review of district court rulings regarding life-threatening medical emergencies of certain persons who are unable to make decisions concerning quality of life and minors.

LEGISLATIVE BILL 476. Introduced by Avery, 3; Hartnett, 45; Maurstad, 30; Robinson, 16.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-926, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the planning commission as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 477. Introduced by Avery, 3; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to mortgages and trust deeds; to amend sections 45-711, 76-252, and 76-1014.01, Revised Statutes Supplement, 1994; to change provisions relating to releases of mortgages and reconveyances for trust deeds; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 36	Tuesday, January 24, 1995	1:30 p.m.
LB 91	Tuesday, January 24, 1995	1:30 p.m.
LB 93	Tuesday, January 24, 1995	1:30 p.m.
LB 73	Tuesday, January 24, 1995	1:30 p.m.
LB 196	Tuesday, January 24, 1995	1:30 p.m.
LB 197	Tuesday, January 24, 1995	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LB 86	Tuesday, January 24, 1995	1:30 p.m.
LB 97	Tuesday, January 24, 1995	1:30 p.m.
LB 144	Tuesday, January 24, 1995	1:30 p.m.
LB 162	Tuesday, January 24, 1995	1:30 p.m.

(Signed) David Landis, Chairperson

MOTION - Rerefer LB 102

Mr. Landis moved that LB 102 be rereferred to the Banking, Commerce and Insurance Committee.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 28 was referred to the Reference Committee.

MOTION - Adopt Permanent Rules

The Rules Committee renewed their proposed rules change, found in the Journal on page 223, to Rule 7, Section 9.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Bromm requested a roll call vote on the proposed rules change.

Voting in the affirmative, 29:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Engel
Fisher
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 15:

Bernard-Stevens
Chambers
Crosby
Day
Hall
Hartnett
Hillman
Landis
Lindsay
McKenzie
Preister
Robak
Schimek
Warner
Wesely

Present and not voting, 2:

Bohlke
Janssen

Excused and not voting, 3:

Hudkins
Wickersham
Will

The Rules Committee proposed rules change was adopted with 29 ayes, 15 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Rules Committee renewed their proposed rules change, found in the Journal on page 223, to add a new section to Rule 7.

The Rules Committee asked unanimous consent to replace their proposed rules change, found in the Journal on page 223, to add a new section to Rule 7, with a substitute proposed rules change. No objections. So ordered.

The Rules Committee offered the following substitute proposed rules change:

Amend Rule 7 by adding a new section:
Sec. 11. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If in the opinion of the Speaker the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose the speaker may temporarily remove the entire bill, or resolution, from the agenda. After consultation the speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the speaker's ruling. The consultation, and the speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day.

MR. HALL PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 30CA. Introduced by Hartnett, 45; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation if such property is actually used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature and only to the extent to which the property is used for such purposes; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that property of the state and its governmental subdivisions is exempt from taxation only if and to the extent such property is used for public purposes.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 31CA. Introduced by Schrock, 38; Avery, 3; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Hudkins, 21; Jones, 43; Robinson, 16; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 5:

VIII-5 "~~County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof,~~ The real property tax levy in a county for a fiscal year shall not exceed one and one-quarter percent unless authorized by a vote of the people of the county.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate an assessment limit on property taxes and to impose a limit on the real property tax levy.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 32. Introduced by Engel, 17; Day, 19; Schellpeper, 18.

WHEREAS, section 81-1108.36, Reissue Revised Statutes of Nebraska, provides direction to state agencies wishing to name state buildings or sites; and

WHEREAS, a central campus commons area called Heritage Plaza planned for construction on the Wayne State College campus by Fall, 1995, will provide a convenient gathering place for students, faculty, and staff as well as establish a visual enhancement to the campus; and

WHEREAS, Wayne State College and the Board of Trustees of the Nebraska State Colleges wish to recognize a person whose personal and professional life has been one of involvement, commitment, support, and improvement of Wayne State College; and

WHEREAS, Dr. Lyle Seymour touched virtually every aspect of the college's heritage, including obtaining an undergraduate degree as a student, serving nineteen years as a faculty member, and being appointed to various administrative positions until being named as President of the college, in which capacity he served from 1974 to 1982; and

WHEREAS, on November 12, 1994, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the Heritage Plaza commons area after Dr. Lyle Seymour.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the commons area, known as Heritage Plaza, to be constructed between the Conn Library and Pile Hall buildings at Wayne State College, be named the Lyle E. Seymour Heritage Plaza in recognition of his varied and substantive role at the college, past and present.
2. That a copy of this resolution be sent to Dr. Seymour upon its passage.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 478. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to employment security; to amend section 48-647, Revised Statutes Supplement, 1994; to clarify authorized withholding from benefits; and to repeal the original section.

LEGISLATIVE BILL 479. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to employment security; to amend section 48-663, Reissue Revised Statutes of Nebraska; to change the penalty for false statements; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Beutler, 28, at the request of the Governor.

A BILL FOR AN ACT relating to energy; to amend sections 13-516, 16-674, 17-559, 18-2427, 18-2429, 18-2430, 18-2431, 18-2432, 18-2433, 18-2434, 18-2441, 18-2453, 70-505, 70-506, 70-509, 70-603, 70-604, 70-604.01, 70-604.05, 70-607, 70-608, 70-625.02, 70-626, 70-626.01, 70-626.04, 70-662, 70-663, 70-664, 70-665, 70-666, 70-802, 70-803, 70-804, 70-805, 70-806, 70-807, 70-1002, 70-1002.01, 70-1002.02, 70-1002.03, 70-1002.04, 70-1004, 70-1005, 70-1006, 70-1007, 70-1008, 70-1009, 70-1010, 70-1011, 70-1012, 70-1012.01, 70-1013, 70-1014, 70-1017, 70-1018, 70-1019, 70-1021, 70-1022, 70-1023, 70-1024, 70-1025, 70-1026, 70-1027, 70-1321, 70-1406, 70-1407, 70-1503, 70-1504, 81-1601, 81-1602, 81-1603, and 81-1607, Reissue Revised Statutes of Nebraska, and sections 18-2451, 70-604.06, 70-612, 70-623, 70-1016, 70-1020, and 70-1326, Revised Statutes Supplement, 1994; to eliminate the Nebraska Power Review Board and transfer its duties to the State Energy Office; to create a fund; to provide for a committee; to repeal the original sections; and to outright repeal section 70-1003, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 481. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-363, Revised Statutes Supplement, 1994; to adopt updated federal Motor Carrier Safety Regulations as Nebraska law; and to repeal the original section.

LEGISLATIVE BILL 482. Introduced by Avery, 3; Fisher, 35; Schrock, 38.

A BILL FOR AN ACT relating to constitutional amendments; to amend section 49-202, Reissue Revised Statutes of Nebraska; to change provisions relating to publication and distribution of proposed constitutional amendments; and to repeal the original section.

LEGISLATIVE BILL 483. Introduced by Avery, 3; Coordsen, 32; Fisher, 35; Robak, 22.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3507, Revised Statutes Supplement, 1994; to change provisions relating to a homestead exemption; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Avery, 3; Engel, 17; Fisher, 35; Maurstad, 30; Schellpeper, 18.

A BILL FOR AN ACT relating to petroleum release remedial actions; to amend sections 66-1523 and 66-1525, Revised Statutes Supplement, 1994; to change reimbursement provisions; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3910, 21-2202, 43-2402, 43-2404, 43-2405, 43-2407 to 43-2413, 60-6,201, 60-6,202, and 60-6,204, Reissue Revised Statutes of

Nebraska, and sections 21-2209, 21-2216, 43-2403, 43-2406, 71-1,103, 71-901, 71-1903, and 71-1913, Revised Statutes Supplement, 1994; to change provisions relating to milkshed surveys, filings by professional corporations, juvenile services, clinical laboratories, and inspections by the Department of Health; to change and provide duties under the Juvenile Services Act; to rename the Juvenile Services Grant Committee and change its membership; to eliminate the Clinical Laboratories Certification Act; to eliminate certain investigation and inspection duties of the Department of Health; to eliminate an advisory committee to the Department of Public Institutions; to repeal the original sections; and to outright repeal sections 71-6802, 71-6804, 71-6805, 71-6808, 71-6809, 71-6811 to 71-6815, 71-6817 to 71-6819, 71-6822, 71-6823, 71-6824 to 71-6831, and 83-211.02, Reissue Revised Statutes of Nebraska, and sections 71-6801, 71-6803, 71-6806, 71-6807, 71-6810, 71-6815.01, 71-6816, 71-6820, 71-6821, and 71-6823.01, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 486. Introduced by Elmer, 44; Kristensen, 37; Lynch, 13.

A BILL FOR AN ACT relating to counties; to provide for state financing of county correctional services.

LEGISLATIVE BILL 487. Introduced by Elmer, 44; Lynch, 13; Matzke, 47; Schrock, 38.

A BILL FOR AN ACT relating to counties; to provide for state financing of county criminal prosecutions as prescribed.

LEGISLATIVE BILL 488. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1918, Revised Statutes Supplement, 1994; to change a date relating to the county treasurer's annual report on delinquent real estate taxes; and to repeal the original section.

LEGISLATIVE BILL 489. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to limited liability companies; to amend section 44-4002, Reissue Revised Statutes of Nebraska, and sections 21-2602, 21-2619, 21-2621, 21-2622, 21-2628, and 21-2649, Revised Statutes Supplement, 1994; to change restrictions on organization and withdrawal of contributions; to change vote requirements; and to repeal the original sections.

LEGISLATIVE BILL 490. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-1611, 46-133, 77-202.02, 77-202.04, 77-202.05, 77-202.06, 77-202.25, 77-367, 77-371, 77-415, 77-416, 77-418, 77-419, 77-420, 77-421, 77-425, 77-428, 77-508.01, 77-601, 77-605, 77-606, 77-607, 77-608, 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-801, 77-802, 77-803, 77-804, 77-915, 77-1216, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04, 77-1250.05, 77-1301.06, 77-1301.14, 77-1301.15, 77-1314, 77-1325, 77-1329, 77-1330, 77-1331, 77-1332, 77-1334, 77-1336, 77-1339, 77-1340, 77-1371, 77-1507, 77-1513, 77-1515, 77-1606, 77-1613.02, 77-1615.01, 77-1623, 77-1704.01, 77-1705, 77-1738, 77-1747, 77-1777, 77-3519, 77-3520, 77-3528, 77-3902, 79-3809, 79-3819, 79-3823, 81-15,102.01, 81-15,113.01, 84-917, and 84-920, Reissue Revised Statutes of Nebraska, and sections 13-504, 18-2713, 76-214, 77-120, 77-202.01, 77-202.03, 77-3,113, 77-3,114, 77-3,115, 77-3,116, 77-507.01, 77-508, 77-509, 77-603, 77-604, 77-615, 77-680, 77-681, 77-682, 77-683, 77-684, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-1229, 77-1233.04, 77-1239.01, 77-1240.01, 77-1248, 77-1249, 77-1301.01, 77-1301.07, 77-1301.12, 77-1301.13, 77-1311, 77-1327, 77-1333, 77-1342, 77-1360.01, 77-1361, 77-1362, 77-1376, 77-1377, 77-1381, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1613.01, 77-1735, 77-1736.06, 77-1775, 77-1775.01, 77-27,137, 77-27,137.02, 77-3438, 77-3510, 77-3513, 77-3514, 77-3516, 77-3517, 77-3521, and 77-3523, Revised Statutes Supplement, 1994; to adopt the Tax Equalization and Review Commission Act; to create the position of Property Tax Administrator; to transfer powers and duties of the Tax Commissioner and Department of Revenue to the Property Tax Administrator; to change and eliminate provisions relating to assessment, valuation, and taxation of property; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1768, 77-1769, and 77-1770, Reissue Revised Statutes of Nebraska, and sections 77-1372 and 77-1506.02, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 491. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to interpreters; to amend sections 20-159 and 25-2406, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Hall, 7; Crosby, 29; Day, 19; Lindsay, 9; McKenzie, 34.

A BILL FOR AN ACT relating to medical nutrition therapy; to amend sections 33-150, 71-1,285 to 71-1,292, and 71-1,294, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-102, 71-107, 71-110, 71-112 to 71-114, 71-131, 71-162, and 71-1,293, Revised Statutes Supplement, 1994; to change certified nutritionist and dietetic and nutrition services to licensed medical nutrition therapists and medical nutrition therapy; to define the practice and licensure requirements; to rename a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 493. Introduced by Fisher, 35; Brashear, 4; Schmitt, 41.

A BILL FOR AN ACT relating to criminal procedure; to allow federal law enforcement officers powers of arrest for state felonies as prescribed.

LEGISLATIVE BILL 494. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2301 to 21-2317, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Industrial Development Corporation Act; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Schimek, 27; and Vrtiska, 1.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-5002, 81-2213, and 83-1,143.06, Reissue Revised Statutes of Nebraska, and sections 71-7501, 71-7503, and 71-7516 Revised Statutes Supplement, 1994; to provide for human services regions; to provide powers and duties; to terminate certain regions and areas; to eliminate obsolete provisions and community public health services regions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1729, 68-1730, and 71-7522 to 71-7529, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 496. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Schimek, 27; and Beutler, 28.

A BILL FOR AN ACT relating to public health and welfare; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Parkinson's Disease Registry Act; to provide a termination date; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Day, 19.

A BILL FOR AN ACT relating to Nebraska Health Care Certificate of Need Act; to amend sections 71-5828, 71-5833, 71-5838, 71-5846, 71-5848, 71-5853, 71-5859.04, 71-5865, and 71-5866, and 71-5869, Reissue Revised Statutes of Nebraska, and sections 71-5801 and 71-5830, Revised Statutes Supplement, 1994; to change provisions relating to acquisitions requiring a certificate of need, review and recommendation procedures, criteria for granting or denying a certificate of need, and appeal procedures; to harmonize provisions; to repeal the original sections; to outright repeal section 71-5859, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 498. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes; to create the offense of coercing a health care professional; and to provide a penalty.

LEGISLATIVE BILL 499. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3506.02 and 77-3523, Revised Statutes Supplement, 1994; to change provisions relating to calculations used for homestead exemption purposes; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LR 17CA. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LR 17CA and LB 30. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 248. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 30. No objections. So ordered.

ANNOUNCEMENT

The Program Evaluation Committee announced that Mr. Warner was selected as Chairperson and Mrs. Hillman as Vice Chairperson.

RECESS

At 12:08 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except except Messrs. Dierks and Will who were excused; and Messrs. Avery, Coordsen, Hall, Hartnett, Kristensen, Landis, Lindsay, Pedersen, Mmes. Bohlke, Hillman, McKenzie, Robak, and Stuhr who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 307 through 330, 332 through 425, and legislative resolutions 24CA, 25CA, and 26.

LB	**Committee**
307	Executive Board
308	Government, Military and Veterans Affairs
309	Natural Resources
310	Judiciary
311	Appropriations
312	Judiciary
313	Judiciary
314	Judiciary
315	Judiciary
316	Natural Resources
317	Natural Resources
318	Judiciary
319	Transportation
320	Judiciary
321	Transportation
322	Transportation
323	Transportation
324	Urban Affairs
325	Appropriations
326	Banking, Commerce and Insurance
327	Revenue
328	General Affairs
329	Natural Resources
330	Business and Labor
332	General Affairs
333	Banking, Commerce and Insurance
334	Business and Labor
335	Education
336	Judiciary
337	Government, Military and Veterans Affairs
338	Natural Resources
339	Banking, Commerce and Insurance
340	Natural Resources
341	Government, Military and Veterans Affairs
342	Urban Affairs
343	General Affairs
344	General Affairs
345	Revenue

346	Urban Affairs
347	Transportation
348	Judiciary
349	Education
350	Natural Resources
351	Nebraska Retirement Systems
352	Judiciary
353	Government, Military and Veterans Affairs
354	Judiciary
355	General Affairs
356	Agriculture
357	Agriculture
358	Natural Resources
359	Natural Resources
360	Education
361	Urban Affairs
362	Revenue
363	Transportation
364	Revenue
365	Business and Labor
366	Health and Human Services
367	Judiciary
368	Nebraska Retirement Systems
369	Nebraska Retirement Systems
370	Nebraska Retirement Systems
371	Judiciary
372	Education
373	Health and Human Services
374	Natural Resources
375	Government, Military and Veterans Affairs
376	Natural Resources
377	Revenue
378	Nebraska Retirement Systems
379	Revenue
380	Government, Military and Veterans Affairs
381	Government, Military and Veterans Affairs
382	Business and Labor
383	Transportation
384	Banking, Commerce and Insurance
385	Banking, Commerce and Insurance
386	Revenue
387	Health and Human Services
388	Judiciary
389	Appropriations
390	Appropriations
391	Appropriations
392	Appropriations
393	Appropriations
394	Appropriations

395	Appropriations
396	Judiciary
397	Banking, Commerce and Insurance
398	Business and Labor
399	Government, Military and Veterans Affairs
400	Business and Labor
401	Health and Human Services
402	Health and Human Services
403	Health and Human Services
404	Judiciary
405	Health and Human Services
406	Health and Human Services
407	Natural Resources
408	Government, Military and Veterans Affairs
409	Transportation
410	Transportation
411	Judiciary
412	Revenue
413	Revenue
414	Health and Human Services
415	Banking, Commerce and Insurance
416	Government, Military and Veterans Affairs
417	Education
418	General Affairs
419	Nebraska Retirement Systems
420	Judiciary
421	Judiciary
422	Business and Labor
423	Health and Human Services
424	Transportation
425	Banking, Commerce and Insurance

LR	**Committee**
24CA	General Affairs
25CA	Appropriations
26	Executive Board

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Nebraska Geographic Information Systems Steering Committee report (LB 541, 1993)

Auditor of Public Accounts
  Administrative Services, Department of
  Fire Marshal
  Chadron State College
  Wayne State College
  Peru State College
  Revenue, Department of
  State Patrol
  Public Service Commission
  Nebraska Lottery
  Military Department
  University of Nebraska-Lincoln
  Public Employees' Retirement Systems - School Employees', Judges', and State Patrol's Retirement Systems
  Supreme Court
  Correctional Services, Department of
  Health, Department of
  Aeronautics, Department of
  Library Commission
  Secretary of State
  University of Nebraska Medical Center
  Banking, and Finance, Department of
  Game and Parks Commission - Mahoney State Park
  Nebraska Board of Examiners for Professional Engineers and Architects
  Game and Parks Commission - Fort Robinson State Park
  Agriculture, Department of
  Historical Society
  State Patrol
  Foster Care Review Board
  Aeronautics, Department of

Law Enforcement and Criminal Justice, Nebraska Commission on
  Annual Report
  Crime Victim's Reparations Program and Victim Assistance Grant Program Annual Report

Environmental Quality, Department of
  Construction Grants Program #518 (Section 81-1533)
  Small Town Grants Program #523 (Section 81-15,153)

Investment Finance Authority, Nebraska (NIFA)
  Notice on the 1994 Series C1-D1 Single Family Issue (§ 58-270(3))
  Notice on the State Revolving Fund Revenue Bonds Series 1994 (§ 58-270(3))

Roads, Department of
  Highway Cash fund and Roads Operation Cash fund (December 1994)

Social Services, Department of
Child Care and Development Annual Report: Executive Summary, FY '93-94

MOTION - Suspend Rules

Mr. Schellpeper moved to suspend the rules, Rule 3, Section 13, so as to allow for public hearings on LR 24CA, LB 343, and LB 344 for Monday, January 23, 1995.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Schellpeper motion to suspend the rules prevailed with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Bernard-Stevens, Abboud, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Adopt Permanent Rules

The Rules Committee renewed their substitute proposed rules change, found in the Journal on page 306, to add a new section to Rule 7.

Mr. Chambers offered the following amendment to the proposed rules change:

Any amendment and/or motion ruled out of order by the Speaker, shall not in any form, version or substance, be in order if again offered by any member at the same stage of debate. No appeal may be taken to overrule this provision.

Messrs. Avery and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall

Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Lindsay
Maurstad
Pedersen
Preister
Schellpeper
Schmitt
Schrock
Wesely
Withem

Voting in the negative, 9:

Jensen
Landis
Matzke
Pirsch
Robinson
Schimek
Vrtiska
Wehrbein
Witek

Present and not voting, 1:

Wickersham

Absent and not voting, 1:

Warner

Excused and not voting, 9:

Abboud
Avery
Bohlke
Dierks
Lynch
McKenzie
Robak
Stuhr
Will

The Chambers amendment was adopted with 29 ayes, 9 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Chambers offered the following amendment to the proposed rules change:

Any amendment and/or motion ruled out of order by the Speaker, shall not in any form, version or substance, be in order if again offered by any member at the same stage of debate, and a motion to overrule the Chair after a ruling is out of order.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler-Chambers amendment was adopted with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Wickersham, Ms. Day, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the proposed rules change:

In line 2, after "resolution," strike "the principal introducer of the bill or resolution," and insert, "any member".

In line 14 strike "or introducer" through "dilatory".

MR. HALL PRESIDING

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 33CA. Introduced by Robinson, 16; Brown, 6; Crosby, 29; Engel, 17; Fisher, 35; Lynch, 13; Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 3:

VII-3 "The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. ~~The members~~ A member of the State Board of Education shall not be actively engaged in the educational profession or a member of a school board or board of education of a school district, and ~~they~~ members shall be elected on a nonpartisan ballot.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board or board of education of a school district.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 500. Introduced by Avery, 3; Hartnett, 45.

A BILL FOR AN ACT relating to educational service unit boards; to amend sections 79-2203 and 79-2203.02, Reissue Revised Statutes of Nebraska, and sections 32-567, 32-606, 32-607, 32-608, 32-811, 32-816, and 32-1203, Revised Statutes Supplement, 1994; to provide for appointed members; to eliminate elections for membership; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-2202.01, Reissue Revised Statutes of Nebraska, and section 32-515, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 501. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 79-1501.01, 81-2014, 81-2016, 81-2033, 84-1307, and 84-1331, Reissue Revised Statutes of Nebraska, and section 23-2331, Revised Statutes Supplement, 1994; to change provisions relating to vesting credit and eligibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 502. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1503.01 and 84-1503, Reissue Revised Statutes of Nebraska, and section 24-705, Revised Statutes Supplement, 1994; to require a formal competitive bidding process for actuarial services; to provide duties for the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 503. Introduced by Wickersham, 49; Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1715.07, 77-2730, and 77-2734.03, Revised Statutes Supplement, 1994; to adopt the Small Business Investment Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Reissue Revised Statutes of Nebraska; to redefine occupational disease to include cumulative trauma; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Will, 8; Brashear, 4; Brown, 6; Hall, 7; Lindsay, 9; Pedersen, 39; Pirsch, 10; Preister, 5; Withem, 14.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1032, 79-1034, 79-1040, 79-1043, 79-1044.01, 79-1045, 79-1046, 79-1056, and 79-1056.06, Reissue Revised Statutes of Nebraska; to change provisions relating to school employee retirement systems for Class V school districts; to redefine terms; to change benefit, contribution, and cost-of-living adjustment provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 506. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-14,105, 49-14,106, 49-14,109, 49-14,111, 49-14,114, 49-14,116, and 49-14,120, Reissue Revised Statutes of Nebraska; to change membership provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 507. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving while intoxicated; to amend sections 60-6,211.01 to 60-6,211.04, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to minors; to eliminate the sealing of records requirement for minors; and to repeal the original sections.

LEGISLATIVE BILL 508. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Legislature; to require adoption of expense policies.

LEGISLATIVE BILL 509. Introduced by Hall, 7; Withem, 14.

A BILL FOR AN ACT relating to audits; to amend sections 84-304, 84-304.01, 84-304.03, and 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to audit requirements; to eliminate provisions relating to audits of the Legislature; to harmonize provisions; to repeal the original sections; to outright repeal section 50-401.04, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 510. Introduced by Hillman, 48; Bernard-Stevens, 42; Day, 19; Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-245, 43-250, 43-251, 43-255, and 43-256, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Supplement, 1994; to change provisions relating to temporary custody and detention or placement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 511. Introduced by Bromm, 23; Crosby, 29; Lindsay, 9; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1401, Revised Statutes Supplement, 1994; to prohibit campaign contributions during legislative sessions as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to banks and banking; to adopt provisions relating to mergers.

LEGISLATIVE BILL 513. Introduced by Bromm, 23; Beutler, 28; Crosby, 29.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Dram Shop Act.

LEGISLATIVE BILL 514. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-330, 32-938, and 32-947, Revised Statutes Supplement, 1994; to provide for confidentiality of voter registration records as prescribed; to harmonize provisions; and to repeal the original sections.

MOTION - Adopt Permanent Rules

The Rules Committee renewed their substitute proposed rules change, found in the Journal on page 306, as amended, to add a new section to Rule 7.

Pending.

NOTICE OF COMMITTEE HEARING
General Affairs

LB 343	Monday, January 23, 1995	1:30 p.m.
LB 344	Monday, January 23, 1995	1:30 p.m.
LR 24CA	Monday, January 23, 1995	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 515. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to authorize purchase of insurance by associations; to provide for registration of the associations; to provide duties for the Director of Insurance and the Revisor of Statutes; and to provide a penalty.

LEGISLATIVE BILL 516. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to judges; to amend section 24-810, Revised Statutes Supplement, 1994; to terminate the Judicial Resources Commission; to provide duties for the commission; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to public lettings; to amend section 73-101.01, Revised Statutes Supplement, 1994; to provide a preference for resident bidders of a political subdivision; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,108 and 60-4,110, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to suspension and revocation of operator's licenses; to repeal the original sections; and to outright repeal section 60-4,109, Reissue Revised Statutes of Nebraska.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 488. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Pedersen withdrew his name as cointroducer to LB 200.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 519. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to contracts; to state intent; to void certain contingent fee contracts executed by state agencies; and to declare an emergency.

VISITORS

The Doctor of the Day was David J. Hoelting from Pender.

ADJOURNMENT

At 3:40 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINTH DAY - JANUARY 18, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Aaron Black, First United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hall and Will who were excused; and Messrs. Abboud, Landis, Lindsay, Schrock, Warner, Wesely, Mmes. Bohlke, Brown, McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

MOTION - Adopt Temporary Rules

Mr. Jensen moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 18, 1995.

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 520. Introduced by Avery, 3; Hartnett, 45; Withem, 14.

A BILL FOR AN ACT relating to judges; to amend section 24-301.02, Revised Statutes Supplement, 1994; to increase the number of district court judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 521. Introduced by Avery, 3.

A BILL FOR AN ACT relating to state employee retirement; to amend sections 84-1317 and 84-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to vesting; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to the one-call notification system; to amend section 76-2308, Revised Statutes Supplement, 1994; to provide an exception; and to repeal the original section.

MOTION - Adopt Permanent Rules

The Will pending motion to adopt permanent rules for the Ninety-Fourth Legislature, First Session, was renewed.

The Rules Committee renewed their substitute proposed rules change, found in the Journal on page 306, and considered on pages 319 and 324, as amended, to add a new section to Rule 7.

Mr. Maurstad offered the following amendment to the proposed rules change:

Strike out all the pending Rules Committee substitute proposed rules change to add a new section to Rule 7 and insert a new sub-section:

Amend Rule 7, Sec. 3.(b) A motion is in order when it is presented at an appropriate time, violates no rule and is not clearly dilatory. Any regular parliamentary motion, when improperly used for the purpose of delaying or obstructing business, is a dilatory motion. The Legislature should be protected against dilatory or frivolous motions by the speaker's refusal to entertain such motions, or in case of doubt, submitting a question of whether motions are dilatory for decision by the body.

Mr. Maurstad moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Beutler requested a roll call vote on the Maurstad amendment.

Voting in the affirmative, 17:

Avery
Beutler
Bromm
Elmer
Engel
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Robinson
Schrock
Vrtiska

Witek
Withem

Voting in the negative, 24:

Bernard-Stevens
Brashear
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Fisher
Hartnett
Hillman
Hudkins
Lynch
McKenzie
Preister
Robak
Schellpeper
Schimek
Schmitt
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Excused and not voting, 8:

Abboud
Bohlke
Brown
Hall
Landis
Lindsay
Pirsch
Will

The Maurstad amendment lost with 17 ayes, 24 nays, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the adoption of the Rules Committee proposed rules change, as amended, to add a new section to Rule 7.

Voting in the affirmative, 25:

Avery
Beutler
Brashear
Bromm
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Jones
Kristensen
Matzke
Pedersen
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 7:

Bernard-Stevens
Chambers
Crosby
Day
Maurstad
Schimek
Wesely

Present and not voting, 7:

Cudaback
Fisher
Hudkins
Lynch
McKenzie
Preister
Robak

Excused and not voting, 10:

Abboud
Bohlke
Brown
Coordsen
Hall
Hillman
Landis
Lindsay
Pirsch
Will

The Rules Committee proposed rules change, as amended, was adopted with 25 ayes, 7 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rules Committee renewed their proposed rules change, found in the Journal on page 221, considered and amended on page 247, to Rule 7, Section 10.

MR. BEUTLER PRESIDING

Mr. Withem renewed his pending amendment, found in the Journal on page 254, to the proposed rules change.

Mr. Chambers requested a record vote on the Withem amendment.

Voting in the affirmative, 31:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 2:

Chambers
Crosby

Present and not voting, 9:

Fisher
Hudkins
Lindsay
Lynch
Preister
Robak
Schellpeper
Schmitt
Schrock

Excused and not voting, 7:

Abboud
Coordsen
Hall
Hillman
Pirsch
Wickersham
Will

The Withem amendment was adopted with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the proposed rules change:

Amend Rule 7, Section 10:

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

The Bernard-Stevens amendment was adopted with 30 ayes, 2 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a record vote on the Rules Committee proposed rules change, as amended, to Rule 7, Section 10.

Voting in the affirmative, 26:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Elmer
Engel
Hudkins
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Witek
Withem

Voting in the negative, 2:

Chambers
Crosby

Present and not voting, 11:

Bernard-Stevens
Cudaback
Dierks
Fisher
Hartnett
Preister
Schellpeper
Schimek
Warner
Wehrbein
Wesely

Excused and not voting, 10:

Abboud
Coordsen
Day
Hall
Hillman
Jones
Lynch
Pirsch
Wickersham
Will

The Rules Committee proposed rules change, as amended, was adopted with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek renewed her proposed rules change, found in the Journal on pages 224 and 225, to Rule 1, Section 1 and Rule 3, Section 7.

Messrs. Wehrbein and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mrs. Witek requested a roll call vote on her proposed rules change.

Mr. Robinson requested the roll call vote be taken in reverse order.

Voting in the affirmative, 7:

Brashear
Dierks
Fisher
Jensen
Preister
Schrock
Witek

Voting in the negative, 33:

Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Withem

Present and not voting, 2:

Avery
Chambers

Excused and not voting, 7:

Abboud
Hall
Jones
Lynch
Pirsch
Wehrbein
Will

The Witek proposed rules change lost with 7 ayes, 33 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens offered the following proposed rules change:

Rule 7, Section 2(d)

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A", except that any member may request a roll call vote reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z".

The Bernard-Stevens proposed rules change was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Elmer, Beutler, and Bromm offered the following proposed rules change:

Amend Rule 7, Section 3(e):

(e) Any member may call for the division of a question, which ~~shall~~ may be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. If any member objects to the division, the decision shall be put to the body as to whether the amendment should be divided. The motion to divide shall be debatable and will be allowed if a majority of those voting vote in favor of allowing the division. In a situation where a committee amendment is offered that constitutes a complete rewrite of the bill, it shall be non-divisible. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germane rulings. Once a vote to change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

MRS. CROSBY PRESIDING

Mr. Bromm offered the following amendment to the proposed rules change:

Amend the Elmer et al. amendment to strike the last underlined sentence beginning with "In" and ending with "non-divisible".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bromm amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment to the proposed rules change:

Amend the Elmer et al. amendment:

In the fifth line, strike all language after "allowed", through the period, and insert, "unless two thirds of the elected members vote against allowing the division of the question"

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Elmer moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Elmer requested a roll call vote on the Elmer-Beutler-Bromm proposed rules change, as amended.

Voting in the affirmative, 22:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Dierks
Elmer
Engel
Fisher
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Robinson
Schellpeper
Vrtiska
Witek
Withem

Voting in the negative, 14:

Bernard-Stevens
Chambers
Coordsen
Cudaback
Day
Hartnett
Hillman
Hudkins
Lindsay
Schrock
Stuhr
Warner
Wesely
Wickersham

Present and not voting, 6:

Bohlke
Crosby
McKenzie
Preister
Schimek
Schmitt

Excused and not voting, 7:

Hall
Landis
Lynch
Pirsch
Robak
Wehrbein
Will

The Elmer-Beutler-Bromm proposed rules change, as amended, lost with 22 ayes, 14 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 523. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska; to authorize school districts and other entities to require criminal history record information; to provide duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 524. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to assistance for certain children; to amend section 43-512.07, Reissue Revised Statutes of Nebraska; to change provisions relating to assignment of court-ordered support payments; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Avery, 3; Wickersham, 49.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-416.01, Reissue Revised Statutes of Nebraska; to change the membership of the Nebraska Retirement Systems Committee; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Act; to amend section 79-3804, Reissue Revised Statutes of Nebraska; to change provisions relating to income tax allocation; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to real estate; to amend section 76-214, Revised Statutes Supplement, 1994; to provide access to certain statements relating to recording title to real estate; and to repeal the original section.

LEGISLATIVE BILL 528. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1301, 84-1311, 84-1331, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2310, 23-2331, 72-1237, and 72-1243, Revised Statutes Supplement, 1994; to define and redefine terms; to change provisions relating to employer accounts and membership and duties of the Nebraska Investment Council and the Public Employees Retirement Board; to create a fund and provide for its use; to provide duties; to maintain the purchasing power of retirement benefits as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1309.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 529. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools; to establish the Commission on the Reconfiguration of the Omaha Public School District; to provide for duties and membership; and to provide a termination date.

LEGISLATIVE BILL 530. Introduced by Lynch, 13; Coordsen, 32; Janssen, 15; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to state buildings and grounds; to amend sections 81-179, 81-186, 81-1108.15, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.43, and 81-1108.54, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building division of the Department of Administrative Services and fees charged for services provided by the division; to eliminate powers and duties of the Department of Public Institutions; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-134, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 531. Introduced by Warner, 25.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1994; to eliminate certain prohibitions in medical benefit contracts; and to repeal the original section.

LEGISLATIVE BILL 532. Introduced by Brown, 6; Day, 19; Schimek, 27.

A BILL FOR AN ACT relating to insurance; to state intent; and to require treatment of obstetricians/gynecologists as primary care physicians.

LEGISLATIVE BILL 533. Introduced by Schellpeper, 18; Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 77-1239 and 77-1240.03, Revised Statutes Supplement, 1994; to change provisions relating to taxation of motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 534. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to solid waste; to permit certain landowners to apply for compensation due to a decline in property value; to provide powers and duties; to define a term; and to provide for an appeal from a decision by the county board.

LEGISLATIVE BILL 535. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gasoline; to amend section 66-4,125, Revised Statutes Supplement, 1994; to change provisions relating to the tax credit delivery invoice; and to repeal the original section.

LEGISLATIVE BILL 536. Introduced by Beutler, 28; Kristensen, 37.

A BILL FOR AN ACT relating to banks and banking; to define terms; to provide for automatic teller machine safety; and to declare an emergency.

LEGISLATIVE BILL 537. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1603 to 32-1606 and 49-1459, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act; to provide a penalty; to change the filing schedule for postelection campaign statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 538. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 25-2737, 30-1601, 43-112, and 77-2023, Reissue Revised Statutes of Nebraska, and sections 25-1901, 25-2728, 25-2729, 25-2730, and 25-2733, Revised Statutes Supplement, 1994; to change provisions relating to certain appeals from the county court; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 33-106.03, 42-119, 42-346, 42-348, 42-351, 42-352, 42-357, 42-812, 42-821, 42-822, 43-104, 43-245, 43-512.17, 43-1743, 43-1803, 43-2904, and 71-615, Reissue Revised Statutes of Nebraska, and sections 24-517, 25-1901, 42-358.08, 42-364, 43-2,113, 43-512.04, and 43-1214.01, Revised Statutes Supplement, 1994; to change county court jurisdiction to include concurrent jurisdiction for domestic relations matters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 540. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Supplement, 1994; to exclude certain part-time musicians; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to historical vehicles; to amend section 60-311.16, Revised Statutes Supplement, 1994; to change provisions relating to historical license plates; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Beutler, 28; Crosby, 29; Hartnett, 45; Schimek, 27; Wesely, 26; Wickersham, 49; Withem, 14.

A BILL FOR AN ACT relating to education; to amend section 79-3801, Reissue Revised Statutes of Nebraska; to change provisions relating to impact aid; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 543. Introduced by Beutler, 28; Crosby, 29; Landis, 46; Schimek, 27; Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Reissue Revised Statutes of Nebraska; to change provisions relating to tiers; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to marriage; to amend section 42-372, Reissue Revised Statutes of Nebraska; to change the time when a divorce decree becomes final; and to repeal the original section.

LEGISLATIVE BILL 545. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-720, Reissue Revised Statutes of Nebraska; to change provisions relating to awards of costs and attorney's fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 546. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to firearms; to amend section 28-1206, Reissue Revised Statutes of Nebraska, and sections 28-1204.01, 28-1204.02, 28-1204.04, and 69-2404, Revised Statutes Supplement, 1994; to eliminate the offense of unlawful possession of a revolver; to create the offense of illegal possession of a firearm; to change provisions relating to a certificate to purchase a handgun; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1204, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 547. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to education; to create and provide duties for the Task Force for the Study of Time and Learning; to provide for termination of the task force; and to declare an emergency.

LEGISLATIVE BILL 548. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1610 and 49-1446.01, Revised Statutes Supplement, 1994; to adopt the Candidate Campaign Committee Income Tax Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 549. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-955, 14-557, 15-821, 16-230, 17-563, 39-1813, and 77-209, Reissue Revised Statutes of Nebraska; to change provisions relating to certain liens as special assessments; to provide for liability for political subdivisions for failure to file notice of a special assessment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Beutler, 28; Day, 19.

A BILL FOR AN ACT relating to children and families; to amend sections 28-316 and 42-364.15, Reissue Revised Statutes of Nebraska; to create the offense of violation of visitation; to change provisions relating to visitation enforcement; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to liability; to provide for liability for damages resulting from criminal acts in business establishments, parking areas, and pedestrian pathways; and to declare an emergency.

LEGISLATIVE BILL 552. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,113.01, Reissue Revised Statutes of Nebraska; to change a date relating to remittances to the Community Improvements Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decommissioned water wells; to amend section 46-1405, Revised Statutes Supplement, 1994; to eliminate a requirement for an affidavit; to eliminate a penalty; and to repeal the original section.

LEGISLATIVE BILL 554. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1501, Reissue Revised Statutes of Nebraska; to authorize user fees; to repeal a termination date; to repeal the original section; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 555. Introduced by Beutler, 28, at the request of the Governor.

A BILL FOR AN ACT relating to child labor; to permit employment of certain minors in hazardous occupations as prescribed.

LEGISLATIVE BILL 556. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to libraries; to amend section 84-304, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, and 13-2202, Revised Statutes Supplement, 1994; to provide for district public libraries; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; to provide powers and duties; to eliminate provisions relating to county and regional libraries; to harmonize provisions; to repeal the original sections; and to outright repeal sections 51-301 to 51-305 and 51-307 to 51-319, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 557. Introduced by Wehrbein, 2; Coordsen, 32; Schrock, 38.

A BILL FOR AN ACT relating to agriculture; to repeal the Interstate Compact on Agricultural Grain Marketing; and to outright repeal Laws 1986, LB 300, section 1.

LEGISLATIVE BILL 558. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4625, 71-4628, 71-4632, 71-4633, 71-4634, and 71-4635, Reissue Revised Statutes of Nebraska, and section 71-4621, Revised Statutes Supplement, 1994; to define terms; to require mobile home park owners to provide a storm shelter as prescribed; to provide powers and duties for the Department of Health; to provide powers for the State Fire Marshal; to provide for applicability of law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 559. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to income tax; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska; to change calculations related to a sales factor; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to insurance; to amend section 44-359, Reissue Revised Statutes of Nebraska; to change a provision relating to attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 561. Introduced by Witek, 31.

A BILL FOR AN ACT relating to elections; to amend section 32-1203, Revised Statutes Supplement, 1994; to change the method of allocating election expenses; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305, 79-1501, 79-1503, 81-2014, 81-2019, 81-2026, 84-1301, and 84-1305, Reissue Revised Statutes of Nebraska, and sections 2-1608, 23-2301, 24-701, and 24-704, Revised Statutes Supplement, 1994; to change provisions relating to compensation; to define and redefine terms; to eliminate certain duties of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 563. Introduced by Day, 19.

A BILL FOR AN ACT relating to nursing; to amend sections 44-2803, 71-1,132.04, 71-1,132.09, 71-1,132.10, 71-1,132.12, 71-1,132.13, 71-1,132.15, 71-1,132.21, 71-1,132.24 to 71-1,132.28, 71-1,132.36, 71-1,132.37, 71-1,132.41, 71-1,132.50, 71-1,132.53, 71-1705, 71-1727, and 71-1760, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,132.05 to 71-1,132.08, 71-1,132.11, 71-1,132.14, 71-1,132.16, 71-1,132.18, 71-1,132.20, 71-1,132.29, 71-1,132.35, 71-1,132.47, 71-1,132.49, 71-1,198, 71-1,339, 71-1735, 71-1779, and 71-1786, Revised Statutes Supplement, 1994; to name the Nurse Practice Act; to change provisions relating to licensure, continuing education, fees, penalties, and the Board of Nursing; to eliminate an obsolete grandfather clause and provisions relating to continuing education; to repeal the original sections; and to outright repeal sections 71-1,132.19 and 71-1,132.52, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 564. Introduced by Day, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1401.02, 60-1406, 60-1411.03, 60-1413, 60-1416, and 60-1417, Reissue Revised Statutes of Nebraska, and sections 60-114, 60-1403, and 60-1411.02, Revised Statutes Supplement, 1994; to change provisions relating to transfers of title, licensing, and regulation by the Nebraska Motor Vehicle Industry Licensing Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Wickersham, 49; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to risk management pools; to amend sections 44-4303 and 44-4304, Reissue Revised Statutes of Nebraska; to authorize use of pools for medical assistance for the poor; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Robinson, 16; Bernard-Stevens, 42; Hartnett, 45; Janssen, 15; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to the elective office; to amend section 79-323, Reissue Revised Statutes of Nebraska, and sections 32-560 and 32-604, Revised Statutes Supplement, 1994; to change provisions relating to multiple officeholding; to change qualifications for membership on the State Board of Education; and to repeal the original sections.

LEGISLATIVE BILL 567. Introduced by Robinson, 16; Janssen, 15; Lynch, 13; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to state-owned land; to amend section 72-817, Reissue Revised Statutes of Nebraska, and sections 72-801, 72-811, 72-813, and 72-816, Revised Statutes Supplement, 1994; to provide procedures for granting of utility easements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Robinson, 16; Janssen, 15; Lynch, 13; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118, 52-118.02, 81-1108.15, 81-1108.16, 81-1108.41, 81-1108.43, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised Statutes Supplement, 1994; to change provisions relating to performance bonds; to provide for development and use of a state comprehensive capital facilities plan; to provide for a committee; to change provisions relating to capital construction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to change recovery limitations; and to repeal the original section.

LEGISLATIVE BILL 570. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to lodging establishments; to create rights, liabilities, and obligations for proprietors and guests; to define a term; to provide restitution for certain damages; and to provide severability.

LEGISLATIVE BILL 571. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to contempt of court; to amend section 42-358, Revised Statutes Supplement, 1994; to authorize proceedings for failure to pay court-ordered medical support or bills; and to repeal the original section.

LEGISLATIVE BILL 572. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to housing authorities; to amend section 84-304, Reissue Revised Statutes of Nebraska; to prohibit examinations by the Auditor of Public Accounts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 573. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1144 and 50-1150, Reissue Revised Statutes of Nebraska; to change the configuration of legislative districts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 574. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend sections 8-1,131, 8-318, 8-326, 10-1001, 18-1749, 21-1773.01, 21-19,107, 21-19,108, 25-1563.01, 25-21,190, 30-3215, 30-3216, 44-202, 44-404, 44-407.10, 44-704, 44-5802, 45-803, 48-628.03, 58-212, 58-440, 60-686, 68-602, 76-2,111, 77-907, 77-2002, 79-1046.01, 79-1049.06, 79-1056, 79-1522.04, 79-1522.05, 79-1531, 81-2017, 81-2027.01, 81-2027.02, 81-2032, 84-1308, 84-1311.01, 84-1311.02, 84-1503.01, 85-106, 85-320, 85-606.01, and 87-602, Reissue Revised Statutes of Nebraska, and sections 9-211, 9-217.01, 9-226, 9-309, 9-322, 9-418, 9-508, 9-620, 10-140, 13-203, 14-2111, 16-1002, 16-1004, 16-1005, 16-1019, 16-1021, 16-1023, 16-1024, 16-1038, 16-1042, 23-1118, 23-2307, 23-2310.01, 23-2310.02, 24-703, 24-703.01, 24-703.02, 24-710.02, 44-1640, 44-1643, 44-5256, 48-602, 48-604, 68-1047, 68-1605, 71-7412, 76-2102, 77-118, 77-120, 77-2101, 77-2101.01, 77-2101.02, 77-2103, 77-2104, 77-2115, 77-2702.09, and 77-3504, Revised Statutes Supplement, 1994; to provide for applicability of the code; to harmonize references to the code; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to municipal zoning jurisdiction; to amend section 14-373, Reissue Revised Statutes of Nebraska; to change provisions relating to planning boards for cities of the metropolitan class; and to repeal the original section.

LEGISLATIVE BILL 576. Introduced by Avery, 3; Beutler, 28; Elmer, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-306, 37-501, 37-501.01, 37-513, 37-537, 37-712 to 37-718, 37-726, 37-901, 37-902 to 37-906, 37-908 to 37-911, 81-805, 81-811, and 81-814.02, Reissue Revised Statutes of Nebraska, and sections 2-5005, 37-101, 37-102, 37-304.01, 37-505, 37-702, 37-703, 37-705 to 37-707, 37-711, and 37-711.01, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to aquaculture, game and fur farming, dog training, and controlled shooting areas; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-901.01, 37-907, and 37-912 to 37-914, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 577. Introduced by Bromm, 23; Robinson, 16; Schellpeper, 18.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-547.04, Reissue Revised Statutes of Nebraska; to provide for building levies for affiliated school systems as prescribed; and to repeal the original section.

LEGISLATIVE BILL 578. Introduced by Day, 19; Bernard-Stevens, 42; Crosby, 29; Hillman, 48.

A BILL FOR AN ACT relating to foster care; to amend section 43-1308, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to the review of foster care placements; to provide a joint case review process; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 579. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-204, Reissue Revised Statutes of Nebraska; to change residency requirements; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Welfare Reform Act; to state intent; to provide duties for the Appropriations Committee of the Legislature and the Legislative Fiscal Analyst; and to provide restrictions on the use of federal waivers.

LEGISLATIVE BILL 581. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1560.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the administration and collection of a fee; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to energy efficiency loans; to amend section 81-1632, Reissue Revised Statutes of Nebraska; to change provisions relating to loans and repayments; to repeal the original section; and to outright repeal section 81-1634, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 583. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bromm, 23; Elmer, 44; Jones, 43; Preister, 5.

A BILL FOR AN ACT relating to game and parks; to amend section 37-204, Reissue Revised Statutes of Nebraska, and sections 37-215 and 37-1214, Revised Statutes Supplement, 1994; to change certain nonresident permit fees to hunt and fish; to change boat registration fees; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to motorboats; to amend sections 37-1204, 37-1211, 37-1254.01 to 37-1254.06, 37-1254.08, 60-463, 60-473, 60-474, 60-479, 60-480, 60-481, 60-487, 60-491, 60-497, 60-4,103, 60-4,104, 60-4,107 to 60-4,110, 60-4,115, 60-4,119, 60-4,122, and 60-4,148, Reissue Revised Statutes of Nebraska, and sections 37-1291, 60-462, 60-484, 60-4,112, 60-4,114, 60-4,118, 60-4,118.01, 60-4,118.03, and 60-4,120, Revised Statutes Supplement, 1994; to provide for and require operator's licenses or boater education programs for motorboat operators; to provide fees and penalties; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Janssen, 15; Cudaback, 36; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a county income tax; and to provide duties for the Department of Revenue.

LEGISLATIVE BILL 586. Introduced by Janssen, 15; Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Reissue Revised Statutes of Nebraska; to change provisions relating to the handling and carrying of alcoholic liquors by minors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 587. Introduced by Hall, 7; Day, 19; Jones, 43; Lynch, 13; Schmitt, 41.

A BILL FOR AN ACT relating to developmental disabilities services; to amend sections 83-1201 and 83-1216, Reissue Revised Statutes of Nebraska; to state intent relating to appropriations; to change provisions relating to service recipients; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Hall, 7.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1994; to authorize a civil action for damages resulting from a misrepresentation of age by a minor; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 589. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the statutes; to amend sections 2-955, 18-510, 21-20,130, 21-20,131, 28-1475, 31-331, 31-333, 35-517, 46-197, and 49-803, Reissue Revised Statutes of Nebraska, section 49-765, Revised Statutes Supplement, 1994, and sections 2A-104, 9-203, 9-302, and 9-306, Uniform Commercial Code; to change and eliminate references to the Revised Statutes of Nebraska; to repeal a provision governing citation of the statutes; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-803, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 590. Introduced by Robak, 22; Crosby, 29.

A BILL FOR AN ACT relating to libraries; to amend sections 19-1301, 39-1522, and 84-304, Reissue Revised Statutes of Nebraska, and sections 17-967 and 19-1302, Revised Statutes Supplement, 1994; to provide for public libraries and public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; to provide powers and duties; to eliminate provisions relating to municipal and county libraries; to harmonize provisions; to repeal the original sections; and to outright repeal sections 51-201, 51-201.01, and 51-203 to 51-219, Reissue Revised Statutes of Nebraska, and section 51-202, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 591. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend sections 19-4606, 19-4607, 19-4609, 19-4610, 19-4614, and 19-4616, Reissue Revised Statutes of Nebraska, and sections 19-4602 and 19-4618, Revised Statutes Supplement, 1994; to eliminate provisions relating to interim rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 592. Introduced by Day, 19, Beutler, 28, at the request of the Governor.

A BILL FOR AN ACT relating to family law; to amend sections 42-364.15 and 43-2903 to 43-2917, Reissue Revised Statutes of Nebraska, and sections 42-358, 42-364, 43-2,113, 43-512.03, 43-512.04, 43-1214.01, 43-1412, 43-2919, and 60-4,105, Revised Statutes Supplement, 1994; to adopt the License Revocation Act; to provide for administrative attachment for support orders; to change provisions relating to contempt and service of process in support proceedings; to provide for nonbiding mandatory mediation for parents to determine issues under the Parenting Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 593. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736, 18-1741, and 33-139.01, Reissue Revised Statutes of Nebraska, and sections 18-1737 to 18-1738.01, 18-1739, and 18-1741.01, Revised Statutes Supplement, 1994; to change provisions regarding issuance and use of parking permits and handicapped parking citations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 594. Introduced by Withem, 14.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Reissue Revised Statutes of Nebraska, and sections 9-211 and 9-309, Revised Statutes Supplement, 1994; to redefine terms relating to donations of profits from bingo and pickle card activities; to provide an additional power for district boards relating to retirement and disability plans; to provide powers and duties for the Department of Revenue and the Auditor of Public Accounts; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Withem, 14.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-479, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1994; to provide for the restriction, suspension, and impoundment of an operator's license of persons under nineteen years of age as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change the corporate tax rate for insurance companies subject to retaliatory taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-709 and 28-1204, Reissue Revised Statutes of Nebraska, and section 28-707, Revised Statutes Supplement, 1994; to provide duties as prescribed for parents and guardians with respect to their minor children; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 598. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2729, Revised Statutes Supplement, 1994; to change provisions relating to appeals from the county court; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-124.01, 8-178, 8-1502, 8-1504, 8-1505, 45-190, 45-191.10, 59-1703, 59-1728, 59-1732, and 59-1733, Reissue Revised Statutes of Nebraska, and sections 8-157, 8-602, 8-1501, 45-127, 45-716, and 59-1735, Revised Statutes Supplement, 1994; to change provisions relating to boards of directors, branch banking, hearings, fees, funds, acquisition and merger, loan brokers, mortgage bankers, and the Seller-Assisted Marketing Plan Act; and to repeal the original sections.

LEGISLATIVE BILL 600. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-402, 79-3801, 79-3803, 79-3806, 79-3812, and 79-3813, Reissue Revised Statutes of Nebraska; to provide for incentives for reorganized districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 601. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to provide for a definition; and to declare an emergency.

LEGISLATIVE BILL 602. Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-320.01, Revised Statutes Supplement, 1994; to change penalties for sexual assault of a child; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Hartnett, 45; Lindsay, 9.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend sections 24-808 and 24-811.01, Reissue Revised Statutes of Nebraska, and sections 24-802, 24-803, 24-806, 24-807, 24-809, and 24-810, Revised Statutes Supplement, 1994; to provide additional election and nominating procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Schrock, 38; Beutler, 28; Dierks, 40; Matzke, 47; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-402.15, 79-403, and 79-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to affiliation of and transfer of property between school districts; and to repeal the original sections.

LEGISLATIVE BILL 605. Introduced by Schrock, 38; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Jones, 43; Robinson, 16; Stuhr, 24.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1994; to exempt custom harvesting equipment from personal property tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 606. Introduced by Schrock, 38; Cudaback, 36; Dierks, 40; Elmer, 44; Jones, 43; Robinson, 16; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2708, 77-2701.02, and 77-27,132, Reissue Revised Statutes of Nebraska, and sections 18-2713, 77-2704.31, and 77-2711, Revised Statutes Supplement, 1994; to eliminate the Local Option Revenue Act; to change the sales and use tax rate; to create a fund and provide for its distribution; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-27,142 to 77-27,142.02, 77-27,142.04 to 77-27,146, and 77-27,148, Reissue Revised Statutes of Nebraska, and sections 77-27,142.03 and 77-27,147, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 607. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to teachers; to amend sections 48-233, 79-1254.06, 79-12,105, 79-12,107, 79-12,111, 79-12,112, 79-12,114, 79-12,115.01, 79-12,119 to 79-12,121.02, and 79-3508, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings; to change applicability of defined terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 608. Introduced by Warner, 25.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1103, Reissue Revised Statutes of Nebraska; to change a voting requirement for city council in planning issues; and to repeal the original section.

LEGISLATIVE BILL 609. Introduced by Hartnett, 45; Lynch, 13.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-104, 3-113, 3-116, 3-119, 3-124 to 3-126, 3-143, and 3-147, Reissue Revised Statutes of Nebraska, and section 3-101, Revised Statutes Supplement, 1994; to change provisions relating to public airports; to define a term; to provide powers and duties for the Department of Aeronautics; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 610. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,148 and 79-3811, Reissue Revised Statutes of Nebraska; to authorize certain school districts to impose a sales and use tax; to provide for applicability of state aid provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to smoke detectors; to amend sections 81-5,133, 81-5,134, 81-5,136, 81-5,137, and 81-5,142, Reissue Revised Statutes of Nebraska; to change provisions relating to required smoke detectors; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 612. Introduced by Hartnett, 45; Schimek, 27.

A BILL FOR AN ACT relating to visually impaired persons; to amend section 83-211.02, Reissue Revised Statutes of Nebraska; to eliminate the advisory committee to the Department of Public Institutions; to create the rehabilitation advisory council to the Department of Public Institutions; to provide powers and duties; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by McKenzie, 34, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-101.01, 79-451, 79-3814, 79-3815, 79-3816, and 79-3820, Reissue Revised Statutes of Nebraska, and sections 13-508, 77-3437, and 77-3439, Revised Statutes Supplement, 1994; to change property tax limitations for political subdivisions; to change budget limitation provisions for school districts; to eliminate a termination date for property tax limitations; to repeal the original sections; to outright repeal section 79-3821, Reissue Revised Statutes of Nebraska, and section 77-3441, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 614. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to installment loans; to amend section 45-137, Revised Statutes Supplement, 1994; to clarify the term loan; and to repeal the original section.

LEGISLATIVE BILL 615. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 45-702, Reissue Revised Statutes of Nebraska, and section 8-1511, Revised Statutes Supplement, 1994; to adopt the Nebraska Bank Holding Company Act of 1995; to repeal the Bank Holding Company Act of 1963 and the One Bank Holding Company Act of 1973; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 8-901, 8-902.01 to 8-902.05, 8-904, 8-1201, 8-1203 to 8-1207, and 8-1514, Reissue

Revised Statutes of Nebraska, and sections 8-902, 8-903, and 8-1202, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 616. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-4830, Reissue Revised Statutes of Nebraska; to change provisions relating to reinsurance and setoffs; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 617. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to eminent domain; to provide for damages relating to acquisition of agricultural land for electric transmission lines; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 618. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to require minimum homework standards.

LEGISLATIVE BILL 619. Introduced by Schrock, 38; Coordsen, 32; Day, 19; Dierks, 40; Elmer, 44; Schmitt, 41.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,134 and 71-1,135, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-1,103, 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Revised Statutes Supplement, 1994; to redefine the practice of optometry; to provide a process for approval of surgical procedures; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 620. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to motor vehicles; to provide for license plates for Nebraska Cornhusker fans; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 621. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; and Brown, 6; Hartnett, 45; Hillman, 48; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to early childhood education; to amend sections 43-2620, 79-444, and 79-3701 to 79-3703, Reissue Revised Statutes of Nebraska, and section 71-1910, Revised Statutes Supplement, 1994; to change provisions relating to pilot programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3801 to 79-3803, 79-3807, 79-3812, 79-3813, 79-3817, and 79-3822, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 623. Introduced by Education Committee: Bohlke, 33, Chairperson; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-3366, 79-3368, and 79-3370, Reissue Revised Statutes of Nebraska; to change provisions relating to the Special Education Accountability Commission; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 624. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to education; to amend sections 79-101.01, 79-402, 79-407, 79-426.15, 79-445, 79-451, 79-488, 79-4,196, 79-501, 79-810, 79-1384, 79-2201.01, 79-3406, 79-3409, 79-3807, 79-3815, and 79-3817, Reissue Revised Statutes of Nebraska; to change approval provisions for changing school boundaries; to specify separate voting units for reorganization plans; to change residency provisions; to change report requirements; to provide for transportation rules and regulations; to change meeting dates; to alter publication requirements; to change provisions relating to the authority to borrow money; to authorize the sale of property; to change provisions relating to the enrollment option program; to change budget provisions; to eliminate obsolete language; to harmonize provisions; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal sections 79-478, 79-479, 79-480, 79-481, 79-482, 79-483, 79-484, and 79-485, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 625. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to provide a deadline for completion of salary negotiations.

LEGISLATIVE BILL 626. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to financial institutions; to define terms; to provide for a compliance review committee and a loan review committee; to provide powers for each committee; to provide for the confidentiality of documents as prescribed; and to declare an emergency.

LEGISLATIVE BILL 627. Introduced by Witek, 31.

A BILL FOR AN ACT relating to administrative departments; to provide duties for the Department of Banking and Finance.

LEGISLATIVE BILL 628. Introduced by Lynch, 13; Bohlke, 33; Crosby, 29; Janssen, 15; Lindsay, 9; Robinson, 16; Schrock, 38.

A BILL FOR AN ACT relating to postsecondary education; to state findings; and to provide for an appropriation.

LEGISLATIVE BILL 629. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to solid waste; to require cities and villages to notify solid waste collection entities of annexation or expansion of solid waste service areas; to provide duties; and to require contracts under certain circumstances.

LEGISLATIVE BILL 630. Introduced by Coordsen, 32; Bromm, 23; Dierks, 40; Hudkins, 21; Janssen, 15; Jones, 43; Schellpeper, 18; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to state legislative intent relating to the funding of public education.

LEGISLATIVE BILL 631. Introduced by Landis, 46.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-846 and 15-848, Reissue Revised Statutes of Nebraska, and section 15-847, Revised Statutes Supplement, 1994; to change provisions relating to the deposit of city funds; and to repeal the original sections.

LEGISLATIVE BILL 632. Introduced by Fisher, 35; Lindsay, 9.

A BILL FOR AN ACT relating to corporations; to amend section 21-20,105, Reissue Revised Statutes of Nebraska; to change provisions relating to foreign corporations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 633. Introduced by Hillman, 48; Brown, 6; Day, 19; Withem, 14.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to make certain training not a disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 634. Introduced by Bohlke, 33; Fisher, 35; Janssen, 15.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change an emission fee; and to repeal the original section.

LEGISLATIVE BILL 635. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the State Board of Health; to amend section 71-2607, Reissue Revised Statutes of Nebraska, and section 71-2610.01, Revised Statutes Supplement, 1994; to adopt the Nebraska Health Resource Commission Act; to change provisions relating to board staff and powers; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Wesely, 26; Lindsay, 9.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-2507, Reissue Revised Statutes of Nebraska; to change provisions relating to the allocation of funds for county roads; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Wickersham, 49; Janssen, 15; Matzke, 47; Schellpeper, 18; Wesely, 26.

A BILL FOR AN ACT relating to emergency services providers; to amend sections 71-5103 and 71-5133, Reissue Revised Statutes of Nebraska, and sections 71-5109, 71-5142, 71-5147, 71-5152, 71-5157, 71-5514.01, and 71-7303, Revised Statutes Supplement, 1994; to change provisions relating to funding, qualifications, rules and regulations, and evaluation; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 638. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3801, 79-3803 to 79-3807, and 79-3817, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to calculating state aid under the act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 639. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-4,179.01 and 79-4,195, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative educational programs; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drinking water; to adopt the Drinking Water Source Quality Act.

LEGISLATIVE BILL 641. Introduced by Vrtiska, 1; Crosby, 29; Dierks, 40; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Revised Statutes Supplement, 1994; to change provisions relating to bad checks; and to repeal the original section.

LEGISLATIVE BILL 642. Introduced by Avery, 3; Brashear, 4; Brown, 6; Crosby, 29; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Kristensen, 37; Lynch, 13; Maurstad, 30; McKenzie, 34; Schellpeper, 18; Vrtiska, 1; Warner, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Foster Care Review Board; to amend section 43-1302, Reissue Revised Statutes of Nebraska; to provide for Title IV-E reviews; to provide duties for the board and the Department of Social Services; and to repeal the original section.

LEGISLATIVE BILL 643. Introduced by Avery, 3; Brashear, 4; Engel, 17; Pedersen, 39.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-479, 60-4,124, 60-4,125, and 60-4,126, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1994; to change provisions relating to school, learner's and farm permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by Avery, 3; Hartnett, 45.

A BILL FOR AN ACT relating to county sheriffs; to provide for access to county health insurance benefits after retirement.

LEGISLATIVE BILL 645. Introduced by Abboud, 12; Bromm, 23.

A BILL FOR AN ACT relating to sex offenders; to create the Sex Offender Registration Act; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 646. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the County Revenue Assistance Act.

LEGISLATIVE BILL 647. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to medical expenses; to amend sections 42-369 and 43-290, Reissue Revised Statutes of Nebraska; to provide that both parents are liable for medical expenses of their minor child; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Cudaback, 36; Coordsen, 32; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2708, 79-402.20, 79-426.27, 79-426.28, 79-903, 79-1007, 79-2210, and 79-3809, Reissue Revised Statutes of Nebraska, and sections 18-2713, 77-202, 77-1360.01, 77-2701, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, 77-2703, 77-2704.24, 77-2704.31, and 77-2711, Revised Statutes Supplement, 1994; to change provisions relating to sales and use taxes, income taxes, property taxes, and aid to education; to impose sales and use taxes and income taxes; to require school district mergers; to provide funding for special education costs; to eliminate the Local Option Revenue Act; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-27,142 to 77-27,142.02, 77-27,142.04 to 77-27,146, and 77-27,148, Reissue Revised Statutes of Nebraska, and sections 77-27,142.03 and 77-27,147, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 649. Introduced by Cudaback, 36; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to counties; to adopt the County Initiative and Referendum Act.

LEGISLATIVE BILL 650. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; to appropriate funds for exhibit renovation; and to require matching nonstate funds.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, section 30:

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, ~~or~~ (f) inadequate level of competence to perform the duties of the office, or (g) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent.

Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter~~,~~ and to report to the commission. If~~,~~ after formal open hearing~~,~~ or after considering the record and report of the masters~~,~~ the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved ~~shall~~ be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper~~,~~ and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the

date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law~~,~~ and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the ~~commission~~ Commission on Judicial Qualifications or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission, the ~~or~~ masters, or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted~~,~~ and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, ~~or~~ as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to provide for disciplinary action against judges on the basis of an inadequate level of competence to perform the duties of the office of judge.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 35. Introduced by Coordsen, 32.

WHEREAS, there exists much concern among affected citizens of Nebraska with regard to the routing of a power transmission line planned by the Nebraska Public Power District; and

WHEREAS, there exists much concern among those affected Nebraskans about the lack of public participation in the planning and approval of power transmission lines of three hundred forty-five thousand volts or more in capacity; and

WHEREAS, the Ninety-fourth Legislature of Nebraska, First Session, has several bills introduced that would modify public power statutes if enacted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature strongly encourages the Board of Directors of the Nebraska Public Power District to delay the start of construction of any power transmission line which exceeds ten miles in length and is of three hundred forty-five thousand volts or more until November 1, 1995, or later. This action would allow the Legislature time to properly consider statutory changes.

Laid over.

LEGISLATIVE RESOLUTION 36CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 3A to Article III:

III-3A "The Legislature may enact laws expressly conditioned upon ratification by the people.

The veto power of the Governor shall not extend to such laws. A law enacted by the Legislature expressly conditioned upon ratification by the people shall become a law when a majority of the votes cast on the law at the election at which the law was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor of the law. The law shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All laws submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to enact laws expressly conditioned upon ratification by the people, to prohibit the veto power of the Governor from extending to such laws, and to provide for the manner of submission and adoption of such laws.
>
> For
>
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 37CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2, and Article XVI, section 1, and add a new section 4A to Article III:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition ~~be~~ is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition ~~be~~ is for the amendment of ~~the~~ this Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ pursuant to this section are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-4A "The Legislature may propose laws and constitutional amendments as alternatives to measures proposed pursuant to Article III, section 2, of this Constitution.

The veto power of the Governor shall not extend to such measures. A measure submitted by the Legislature pursuant to this section shall become a law or part of this Constitution when a majority of the votes cast on the measure at the election at which the measure was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor of the measure. The measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All measures submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of the measures shall be printed on the ballot.

If a measure submitted pursuant to this section conflicts with a measure submitted pursuant to Article III, section 2, of this Constitution, and both are approved by the people at the same election, the one receiving the highest number of affirmative votes shall become law."

XVI-1 "The Legislature may propose amendments to this Constitution. ~~If the same be~~ The amendments may be presented on the ballot as alternative measures to measures initiated by the people pursuant to Article III, section 4A, of this Constitution, or may be presented independently of measures initiated by the people. If the proposed amendments are agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. ~~At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.~~ If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five ~~per cent~~ percent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment. ~~separately.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to offer alternative measures to measures initiated by the people, to prohibit the veto power of the Governor from extending to such measures, and to provide for the manner of submission and adoption of such measures.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 38CA. Introduced by Wesely, 26; Coordsen, 32.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing~~ for ninety and sixty days on an alternating basis. Ninety-day sessions shall commence at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year, and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. The terms of the members of the Legislature shall commence on the first day of the regular ninety-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular ninety-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time~~,~~ unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to change the date on which the Legislature will convene in regular ninety-day sessions, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.
> For
> Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 288	Wednesday, January 25, 1995	1:30 p.m.
LB 182	Wednesday, January 25, 1995	1:30 p.m.
LB 183	Wednesday, January 25, 1995	1:30 p.m.
LB 184	Wednesday, January 25, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Natural Resources

Governor Appointment Tom Plummer, Jr. - NE Game and Parks Commission	Wednesday, January 25, 1995	1:30 p.m.

LB 198	Wednesday, January 25, 1995	1:30 p.m.
LB 338	Wednesday, January 25, 1995	1:30 p.m.
LB 340	Wednesday, January 25, 1995	1:30 p.m.

LB 99	Thursday, January 26, 1995	1:30 p.m.
LB 100	Thursday, January 26, 1995	1:30 p.m.
LB 160	Thursday, January 26, 1995	1:30 p.m.
LB 94	Thursday, January 26, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LB 122	Wednesday, January 25, 1995	1:30 p.m.
LB 124	Wednesday, January 25, 1995	1:30 p.m.
LB 179	Wednesday, January 25, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LB 401	Wednesday, January 25, 1995	1:30 p.m.
LB 32	Wednesday, January 25, 1995	1:30 p.m.
LB 414	Wednesday, January 25, 1995	1:30 p.m.
LB 373	Wednesday, January 25, 1995	1:30 p.m.

LB 63	Thursday, January 26, 1995	1:30 p.m.
LB 403	Thursday, January 26, 1995	1:30 p.m.
LB 405	Thursday, January 26, 1995	1:30 p.m.
LB 406	Thursday, January 26, 1995	1:30 p.m.

LB 121	Friday, January 27, 1995	1:30 p.m.
LB 366	Friday, January 27, 1995	1:30 p.m.
LB 402	Friday, January 27, 1995	1:30 p.m.
LB 255	Friday, January 27, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 270	Wednesday, January 25, 1995	1:30 p.m.
LB 305	Wednesday, January 25, 1995	1:30 p.m.
LB 352	Wednesday, January 25, 1995	1:30 p.m.
LB 354	Wednesday, January 25, 1995	1:30 p.m.
LB 404	Wednesday, January 25, 1995	1:30 p.m.
LB 411	Wednesday, January 25, 1995	1:30 p.m.
LB 420	Wednesday, January 25, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 35 was referred to the Reference Committee.

MOTION - Rerefer LR 26

Mr. Robinson moved to rerefer LR 26 from the Executive Board to the Government, Military and Veterans Affairs Committee.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 185. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 546. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 496. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 157. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 130. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 381. No objections. So ordered.

MOTION - Recess

Mr. Chambers moved to recess until 12:30 p.m.

The motion lost.

MOTION - Adjournment

Mr. Bromm moved to adjourn. The motion prevailed, and at 12:22 p.m., the Legislature adjourned until 9:00 a.m., Thursday, January 19, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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TENTH DAY - JANUARY 19, 1995

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 19, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Doyle Burbank-Williams, United Methodist Church, Hallam and Martell, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Will who was excused; and Messrs. Abboud, Beutler, Coordsen, Dierks, Fisher, Hall, Hartnett, Kristensen, Landis, Lindsay, Schrock, Warner, Wehrbein, Mmes. Bohlke, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 287, after line 13, insert "**PRESIDENT ROBAK PRESIDING**".
The Journal for the eighth day was approved as corrected.
The Journal for the ninth day was approved.

MOTION - Adopt Temporary Rules

Mrs. Pirsch moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 19, 1995.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 426 through 434, 436 through 470, and legislative resolutions 27CA, 28, and 29CA.

LB	Committee
426	Transportation
427	Education
428	Health and Human Services
429	Appropriations
430	Revenue
431	Education
432	Education
433	Education
434	Agriculture
436	Urban Affairs
437	Education
438	Business and Labor
439	Health and Human Services
440	Health and Human Services
441	Health and Human Services
442	Health and Human Services
443	Government, Military and Veterans Affairs
444	Judiciary
445	Education
446	Judiciary
447	Transportation
448	Health and Human Services
449	Health and Human Services
450	Legislative Program Evaluation
451	Health and Human Services
452	Revenue
453	Government, Military and Veterans Affairs
454	Education
455	Health and Human Services
456	Banking, Commerce and Insurance
457	Judiciary
458	Judiciary
459	Transportation
460	Health and Human Services
461	Transportation
462	Transportation
463	Transportation
464	Transportation
465	Transportation
466	Transportation
467	Transportation
468	General Affairs
469	Urban Affairs
470	Urban Affairs

LR	Committee
27CA	Government, Military and Veterans Affairs
28	Health and Human Services

29CA Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

COMMUNICATION

Received a copy of House Concurrent Resolution 372 from the Pennsylvania House of Representatives demanding that Congress cease and desist mandates that are beyond the scope of its constitutionally delegated powers.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95003

DATE:	January 13, 1995
SUBJECT:	Whether Neb. Rev. Stat. § 79-2201.01 Vests Educational Service Units With Implied Authority to Sell Real Estate
REQUESTED BY:	Senator Douglas A. Kristensen Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Lauren L. Hill, Assistant Attorney General

You have requested our opinion as to whether Neb. Rev. Stat. § 79-2201.01 (1987) vests an educational service unit {"ESU"} with the implied authority to sell real estate. The statute provides that

> {i}n order to carry out {the role and mission imposed by statute}, educational service units may purchase, lease, or lease-purchase real estate, equipment, supplies, and personal property for their own use. Educational service units may . . . purchase, lease, lease-purchase, or act as purchase agent for administrative and instructional supplies, instructional equipment, and personal property for resale only to school districts and state colleges within the territorial boundaries of any educational service unit.

Neb. Rev. Stat. § 79-2201.01 (1987) (emphasis added).

Two canons of statutory construction direct our analysis. First, "{i}n the absence of anything indicating to the contrary, statutory language is to be given its plain and ordinary meaning; when the words of a statute are plain, direct, and unambiguous, no interpretation is necessary or will be indulged in to ascertain their meaning." State on behalf of Matchett v. Dunkle, 244 Neb. 639, 643, ____ N.W.2d ____ (1993). Second, "{t}he maximum 'expressio unius est exclusio alterius' is applicable here." Nebraska City Education Assn. v. School

Dist. of Nebraska City, 201 Neb. 303, 306, 267 N.W.2d 530, 532 (1978). Under that principle, "where a statute or ordinance enumerates the things upon which it is to operate, or forbids certain things, it is to be construed as excluding from its effect all those not expressly mentioned, unless the legislative body has plainly indicated a contrary purpose or intention." Id. (quoting Starman v. Shirley, 162 Neb. 613, 76 N.W.2d 749 (1956)); See also Curry v. State ex rel. Stenberg, 242 Neb. 695, 496 N.W.2d 512 (1993); State Bd. of Agriculture v. State Racing Commission, 239 Neb. 762, 478 N.W.2d 270 (1992).

The language of Neb. Rev. Stat. § 79-2201.01 clearly and plainly authorizes an ESU to "purchase, lease, or lease-purchase real estate." We recognize the principle that restrictions upon the free alienability of real property should rarely be imposed. Therefore, it seems impractical to authorize an ESU to purchase real estate but not authorize the ESU to dispose of the property by resale. A technical reading of the statute, however, leads us to conclude that the Legislature has not authorized an ESU to sell real property under Neb. Rev. Stat. § 79-2201.01.

Our reasoning in reaching that conclusion is based upon several observations. First, had the Legislature intended to authorize ESU's to sell real property, it could have easily granted such power by inserting the word "sell" in the statute. The Legislature has, on many occasions authorized other public entities to sell property which they acquire. For example, you note that pursuant to Neb. Rev. Stat. § 79-401 (Cum. Supp. 1992), school districts "may purchase, hold, and sell such . . . real estate as the law allows."

Also, in many instances where the Legislature has vested a public body with the power to sell real property, various restrictions have been placed upon that power. In Neb. Rev. Stat. § 79-521 (Supp. 1993), the Legislature has directed that "{n}o school property of any kind belonging to any Class II, III, IV, or VI school district shall be sold by the board of education except at a regular meeting of the same and with an affirmative recorded vote of at least two-thirds of all members of the board." The statute further directs how proceeds of the property sale may be utilized by the school district. Id. In another statute, the Legislature has provided that in a Class VI school district, "{n}o transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted {except as specifically provided}." Neb. Rev. Stat. § 79-1108 (1987). Another example of requirements imposed upon the sale of school property is set forth in Neb. Rev. Stat. § 79-507 (1987), which mandates that fifty-five percent of the qualified voters of a Class I or Class II school district must approve the sale of any schoolhouse, site, building or other property belonging to the district.

Given that the Legislature could have easily included the term "sell" in Neb. Rev. Stat. § 79-2201.01, that other public entities have been vested with the express power to sell real property in several other statutes, and that, in many instances, the Legislature has imposed requirements upon a public entity's ability to sell real property, we conclude that an implied power to sell real estate cannot be vested in educational service units under current law.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-18-14.op
cc. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95004

DATE: January 18, 1995

SUBJECT: Constitutionality of Proposal to Change Qualifications of Membership on the State Board of Education

REQUESTED BY: Senator C. N. "Bud" Robinson
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of legislation "that will prohibit a member of the State Board of Education from concurrently serving as a member of the board of education of any school district in Nebraska." You have inquired whether your proposal to add this qualification for membership on the State Board of Education would conflict with Article VII, § 3 of the Nebraska Constitution. As we have not been provided with a draft of the legislation which you are contemplating, our opinion as to the constitutionality of your proposal "is necessarily limited to a review of the general outline of the plan as set forth above, rather than a review of {specific legislation}." Op. Att'y Gen. No. 82-214 (March 15, 1982).

Applicable Law

Several well-established principles of law are applicable to our analysis of your inquiry. Foremost among these principles is the separation of powers doctrine contained within the Nebraska Constitution:

> The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Neb. Const. art. II, § 1.

Interpreting this provision, the Nebraska Supreme Court has determined that it is "an absolute prohibition upon the exercise of the executive, legislative and judicial powers by the same person or the same group of persons. It has remained a part of the Constitution unchanged since 1875. It is more certain and positive than the provisions of the federal Constitution and those of some of the states, which merely definitely divided the three powers of government." Laverty v. Cochran, 132 Neb. 118, 120-21, 271 N.W. 354, 356 (1937); See also State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991).

The court has also held that "The people of the state, by adopting a Constitution, have put it beyond the power of the legislature to pass laws in violation thereof." State ex rel. Randall v. Hall, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933). Therefore, as we noted in a prior opinion, "{t}he legislative authority of the Unicameral is extensive. However, it is not limitless." Op. Att'y Gen. No. 93-012 (March 4, 1993) at 5.

Two final precedents are significant to your inquiry. First is the rule that because the Nebraska Constitution "is not a grant but a restriction on legislative power, . . . the {L}egislature may legislate upon any subject not inhibited by the Constitution." Swanson v. State, 132 Neb. 82, 90, 271 N.W. 264, 269 (1937); State ex rel. Quinn v. Marsh, 141 Neb. 436, 3 N.W.2d 892 (1942). Second, "when a state {c}onstitution creates an office and names the qualifications of the incumbent, the legislature has no authority to prescribe additional qualifications or to remove any of the requirements provided for by the {c}onstitution." State ex rel. Brazda v. Marsh, 141 Neb. 817, 830, 5 N.W.2d 206, 214 (1942); State ex rel. Quinn v. Marsh, 141 Neb. at 439, 3 N.W.2d at 894.

State Board of Education Member Eligibility Requirements

Article VII, Section 3 of the Nebraska Constitution provides that

> {t}he State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be as prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a non-partisan ballot.

Neb. Const. art. VII, § 3 (emphasis added).

Although Article VII has been amended several times since its inception, the text of this constitutional provision has remained essentially unchanged. See Laws 1965, c. 293, p. 834; Laws 1972, LB 1023.

In accordance with this constitutional provision, the Legislature has set forth the manner and method by which the eight State Board of Education members shall be elected. See Neb. Rev. Stat. § 79-322 - § 79-322.02 (Cum. Supp. 1992). Additionally, the Legislature has statutorily prescribed that

> {n}o person shall be eligible to membership on the State Board of Education (1) who is actively engaged in the teaching profession, (2) who is a holder of, or a candidate for any state office, board, or commission, or (3) unless he is a citizen of the United States, a resident of the state for a period of at least three years, and a resident of the district from which he is elected for a period of at least two years immediately preceding his election.

Neb. Rev. Stat. § 79-323 (1987). The requirements of this statute were enacted in 1953, following the adoption of a constitutional amendment which formally created the State Board of Education. See Laws 1953, c. 320, § 3, p. 1054. The qualification on membership to the State Board contained in subsection (1) of Neb. Rev. Stat. § 79-323 arises from the restriction imposed by Article VII, Section III. The qualification set forth in subsection (2) of Neb. Rev. Stat. § 79-323 was apparently incorporated from a provision of the Nebraska Constitution which pertained to officers appointed pursuant to Article IV. See Neb. Const. art. IV, § 2 (1953). We are uncertain of the basis for the qualification imposed by Neb. Rev. Stat. § 79-323(3).

Discussion

Based upon the foregoing, we now address whether you may legislatively impose the requirement upon State Board of Education members that they not serve concurrently on local boards of education. At least one eligibility requirement for membership on the State Board of Education has been expressly set forth in Nebraska's Constitution. Article VII, Section 3 requires that State Board members "not be actively engaged in the educational profession." Given the current constitutional qualification, we find that the court's decision in State ex rel. Brazda v. Marsh, 141 Neb. 817, 5 N.W.2d 206, is binding.

In Brazda, the question before the court was whether the Legislature could impose a residency requirement, in addition to existing constitutional requirements, upon an individual who sought to file as a candidate for the office of Secretary of State. As previously noted, the court held that "when a state {c}onstitution creates an office and names the qualifications of the incumbent, the legislature has no authority to prescribe additional qualifications or to remove any of the requirements provided for by the {c}onstitution." Id. at 830, 5 N.W.2d at 214; See also State ex rel Quinn, 141 Neb. at 442-43. Thus, the court determined that the additional residency requirement could not validly be imposed. Id. Likewise, in this instance, we find that the Legislature cannot, by statute, impose as an additional qualification for State Board of Education membership the requirement that State Board members not concurrently serve on a local board of education. A constitutional amendment to Article VII, Section 3 would be required to impose such an additional qualification to State Board of Education membership.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill

Assistant Attorney General

24-19-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 651. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools; to provide for state aid for capital improvements; to create a fund; and to provide a termination date.

LEGISLATIVE BILL 652. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to county government; to prohibit the assessment of costs for court actions to the county by the state as prescribed.

LEGISLATIVE BILL 653. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to public construction projects; to provide requirements for contractors relating to certain motor vehicle operation violations.

LEGISLATIVE BILL 654. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to dentistry; to amend section 71-193.13, Reissue Revised Statutes of Nebraska; to change duties performed by dental auxiliaries; and to repeal the original section.

LEGISLATIVE BILL 655. Introduced by Robak, 22.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-133, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of injury; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to create the Juvenile Division; to require reporting and investigation of the death of a child; and to repeal the original section.

LEGISLATIVE BILL 657. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 81-1801 and 81-1848 to 81-1850, Reissue Revised Statutes of Nebraska; to change provisions relating to notification; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 658. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to aid to dependent children; to amend section 43-504, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to payments for unborn children; and to repeal the original section.

LEGISLATIVE BILL 659. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-2017.01, Revised Statutes Supplement, 1994; to redefine health clinic; and to repeal the original section.

LEGISLATIVE BILL 660. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to criminal law; to amend section 43-247, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-516, Revised Statutes Supplement, 1994; to create the offense of armed carjacking; to change the penalty for unauthorized use of a propelled vehicle; to change the concurrent jurisdiction of the juvenile court as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Pirsch, 10; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to shoplifting; to amend section 28-511.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1994; to prohibit certain acts relating to antitheft devices; and to repeal the original section.

LEGISLATIVE BILL 662. Introduced by Will, 8.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change provisions relating to the commencement of certain product liability actions; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. Bromm renewed the Will pending motion to adopt the permanent rules for the Ninety-Fourth Legislature, First Session.

Mr. Chambers offered the following proposed rules change:

Amend Rule 5(5)(g):

Strike the following words: "This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators."

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his proposed rules change.

Voting in the affirmative, 2:

Chambers
Lynch

Voting in the negative, 34:

Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wesely
Wickersham
Witek
Withem

Present and not voting, 4:

Brashear
Robak
Schimek
Wehrbein

Excused and not voting, 9:

Abboud
Bohlke
Hall
Landis
Lindsay
McKenzie
Vrtiska
Warner
Will

The Chambers proposed rules change lost with 2 ayes, 34 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messes. Jones and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the adoption of the permanent rules, as amended, for the Ninety-Fourth Legislature, First Session.

Voting in the affirmative, 27:

Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Janssen
Jensen
Kristensen
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wesely
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Bernard-Stevens
Day
Fisher
Hartnett
Hudkins
Lynch
Matzke
Robak
Schimek

Excused and not voting, 12:

Abboud
Bohlke
Hall
Jones
Landis
Lindsay
McKenzie
Vrtiska
Warner
Wehrbein
Wickersham
Will

The motion to adopt the permanent rules, as amended, prevailed with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 331. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 663. Introduced by Will, 8, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-3804 and 79-3822, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 1994; to change calculations relating to income tax rates; to change funding allocations for schools; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 664. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to schools; to amend section 79-3804, Reissue Revised Statutes of Nebraska; to provide for school bond state aid; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 665. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321 and 17-568.01, Reissue Revised Statutes of Nebraska; to change provisions relating to public works contracts and bids; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 666. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to infrastructure redevelopment; to amend sections 18-2601, 18-2603, and 77-2602, Revised Statutes Supplement, 1994; to redefine infrastructure project and change funding; to validate current commitments; and to repeal the original sections.

LEGISLATIVE BILL 667. Introduced by Day, 19.

A BILL FOR AN ACT relating to insurance; to adopt the Children's Health Purchasing Cooperative Act; and to declare an emergency.

LEGISLATIVE BILL 668. Introduced by Day, 19.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2034, Revised Statutes Supplement, 1994; to change provisions relating to financial assurance for certain landfill activities; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 669. Introduced by Withem, 14.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201.01, Revised Statutes Supplement, 1994; to provide for the waiver of a residency requirement; and to repeal the original section.

LEGISLATIVE BILL 670. Introduced by Withem, 14; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3803, 79-3804, and 79-3810, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to allocated income tax; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Vrtiska, 1; Schellpeper, 18.

A BILL FOR AN ACT relating to agriculture; to provide for the renewal or revival of agricultural associations as prescribed.

LEGISLATIVE BILL 672. Introduced by Vrtiska, 1; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-112, Revised Statutes Supplement, 1994; to redefine actual value of real property; and to repeal the original section.

LEGISLATIVE BILL 673. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to nonprofit corporations; to amend sections 8-1401, 21-1101, 21-17,132, and 23-3504, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Nonprofit Corporation Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 21-1901 to 21-1903, 21-1905 to 21-1991, and 21-1996 to 21-19,109, Reissue Revised Statutes of Nebraska, and section 21-1904, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 674. Introduced by Wickersham, 49; Hillman, 48.

A BILL FOR AN ACT relating to higher education; to amend sections 10-127, 10-142, 13-916, 13-1612, 44-1615, 49-506, 79-4,241, 79-1429, 79-1522.01, 79-3002, 81-1118.02, 81-1201.21, 85-121, 85-121.03, 85-301, 85-304, 85-306 to 85-308.01, 85-310, 85-314 to 85-316, 85-317.01 to 85-319, 85-606.01, 85-917, 85-933, 85-943, 85-949, 85-966, 85-966.01, 85-1402, 85-1404, 85-1412 to 85-1414, 85-1416, 85-1418, 85-1503, 85-1504, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-2202, 32-567, 32-607, 32-608, 32-1203, 32-1301, 32-1302, 48-621, 48-622.03, 77-2363, and 77-3439, Revised Statutes Supplement, 1994; to provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges; to change provisions relating to the board of trustees; to eliminate a duty of the Coordinating Commission for Postsecondary Education and provisions relating to boards of governors; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-121.05, 85-312, 85-1501, 85-1502, 85-1505 to 85-1512, 85-1514 to 85-1540, Reissue Revised Statutes of Nebraska, and section 32-514, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 675. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1378, 77-1384, and 77-1506.02, Revised Statutes Supplement, 1994; to change and eliminate appeal procedures relating to valuation; to repeal the original sections; and to outright repeal sections 77-1385 to 77-1388, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 676. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-1522.01, 79-3509.02, 79-3801, 79-3803, and 79-3819, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to establish the Retirement Incentive Plan and Staff Development Assistance for certain reorganized districts; to provide incentives for reorganization studies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 677. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2701 and 77-2702.17, Revised Statutes Supplement, 1994; to exempt coins and currency from taxation; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Supplement, 1994; to change provisions relating to unlawful possession of a firearm on school grounds; and to repeal the original section.

LEGISLATIVE BILL 679. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Collision Repair Facility Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 680. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to plumbing; to create the State Model Plumbing Code Committee; and to provide duties for the Department of Health.

LEGISLATIVE BILL 681. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-301, 67-303 to 67-306, 67-311, 67-315, 67-318, 67-325, 67-328, 67-334, 67-336, and 67-340, Reissue Revised Statutes of Nebraska, and section 67-302, Revised Statutes Supplement, 1994; to define a term; to provide for registered limited liability partnerships as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Robinson, 16; Avery, 3; Bromm, 23; Hartnett, 45; Janssen, 15; Jensen, 20; Jones, 43; Lynch, 13; Pirsch, 10; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to budget limitations; to amend section 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-508 and 23-3616, Revised Statutes Supplement, 1994; to provide a budget lid for educational service units; to repeal obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-3437 to 77-3441, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 683. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to health care; to amend section 44-3,131, Reissue Revised Statutes of Nebraska; to require health insurance coverage for certain joint disorders; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 684. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1708, Revised Statutes Supplement, 1994; to state intent; to create a committee; to provide powers and duties; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 685. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-801, Reissue Revised Statutes of Nebraska; to change membership requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 686. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Reissue Revised Statutes of Nebraska; to authorize certain vehicles to exceed length restrictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-239 and 9-625, Reissue Revised Statutes of Nebraska, and sections 9-404, 9-429, and 9-648, Revised Statutes Supplement, 1994; to change and eliminate taxation provisions; to redefine a term; to eliminate certain permit, filing, and notification requirements; to eliminate provisions on local control and elections relating to bingo, lotteries, and raffles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-236, 9-433, and 9-644, Reissue Revised Statutes of Nebraska, and sections 9-237 and 9-643, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 688. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-313, 9-317, 9-337, and 9-345.03, Reissue Revised Statutes of Nebraska, and sections 9-315 and 9-346, Revised Statutes Supplement, 1994; to authorize the use of electronic pickle card dispensing devices as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-2134, Reissue Revised Statutes of Nebraska; to change provisions relating to dividends and distributions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 690. Introduced by Withem, 14; Avery, 3; Hartnett, 45.

A BILL FOR AN ACT relating to mental illness; to amend section 83-306, Reissue Revised Statutes of Nebraska; to change provisions relating to responsibility for certain costs of commitment; and to repeal the original section.

LEGISLATIVE BILL 691. Introduced by Withem, 14.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2233, Revised Statutes Supplement, 1994; to provide for service of process on Indian tribe lands; and to repeal the original section.

LEGISLATIVE BILL 692. Introduced by Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Supplement, 1994; to change provisions relating to valuation of land zoned for agricultural or horticultural use; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Warner, 25.

A BILL FOR AN ACT relating to hospital authorities; to amend section 23-3594.08, Revised Statutes Supplement, 1994; to change the minimum governmental transfer amounts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 694. Introduced by Warner, 25; Bromm, 23; Schimek, 27.

A BILL FOR AN ACT relating to design professionals; to amend sections 2-3256, 21-2205, 46-701, 81-841 to 81-845, 81-846.01, 81-8,126, 81-1108.43, and 81-1609, Reissue Revised Statutes of Nebraska, and sections 23-1901 and 72-1237.01, Revised Statutes Supplement, 1994; to adopt the Design Professions Regulation Act; to eliminate and change provisions relating to engineers and architects; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 81-839, 81-840, 81-846, 81-847 to 81-856, 81-8,184 to 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 695. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 83-4,104.01 and 83-925.07, Reissue Revised Statutes of Nebraska; to change provisions relating to evaluations; to change a termination date; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Schrock, 38; Avery, 3; Coordsen, 32; Dierks, 40; Engel, 17; Hillman, 48; Jensen, 20; Maurstad, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-311.10, and 60-311.11, Reissue Revised Statutes of Nebraska; to provide for message license plates for farm trucks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend section 24-801, Reissue Revised Statutes of Nebraska, and section 24-803, Revised Statutes Supplement, 1994; to change judicial vacancies and the creation of new judgeships; to eliminate the Judicial Resources Commission; to harmonize provisions; to repeal the original sections;

and to outright repeal sections 24-809.01 to 24-810, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 698. Introduced by Brown, 6.

A BILL FOR AN ACT relating to human genetic technologies; to establish a commission; to provide duties for the commission; and to provide for cessation of the commission.

LEGISLATIVE BILL 699. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to employment agencies; to amend sections 48-507 and 48-508, Reissue Revised Statutes of Nebraska; to change form and record requirements; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1501, 79-1501.01, 79-1551, and 81-2014, Reissue Revised Statutes of Nebraska, and section 24-701, Revised Statutes Supplement, 1994; to define terms; to maintain the purchasing power of retirement benefits as prescribed; to create funds and provide for their uses; to require the transfer of funds; to provide duties for the Public Employees Retirement Board; to eliminate provisions relating to the Help Education Lead to Prosperity Act; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-3501 to 79-3510, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 701. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Reissue Revised Statutes of Nebraska; to increase the retirement system contribution rate; and to repeal the original section.

LEGISLATIVE BILL 702. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to judges; to amend sections 24-701, 24-703, and 24-710, Revised Statutes Supplement, 1994; to change provisions relating to contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 703. Introduced by Wesely, 26, at the request of the Governor.

A BILL FOR AN ACT relating to the Department on Aging; to amend sections 81-2266 and 81-2269, Reissue Revised Statutes of Nebraska;

to change provisions relating to preadmission screenings; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-116, 71-2017.01, and 71-6801, Revised Statutes Supplement, 1994; to change provisions relating to boards of examiners, clinical laboratories, and liens; to redefine terms; and to change an operative date.

LEGISLATIVE BILL 705. Introduced by Hartnett, 45; Crosby, 29.

A BILL FOR AN ACT relating to drugs; to prohibit pricing discrimination; and to provide for an action for damages.

LEGISLATIVE BILL 706. Introduced by Hartnett, 45; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to provide a sales and use tax refund for volunteer organizations; and to repeal the original section.

LEGISLATIVE BILL 707. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to provide a sales and use tax refund for nonprofit senior citizen centers; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the enrollment option programs; to amend sections 79-3403 and 79-3407, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the program; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by Hartnett, 45; Avery, 3; Withem, 14.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2331, Revised Statutes Supplement, 1994; to authorize membership for employees of cities of the first class as prescribed; and to repeal the original section.

LEGISLATIVE BILL 710. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to deferred compensation; to amend sections 84-1504, 84-1505, and 84-1506, Reissue Revised Statutes of Nebraska; to change provisions relating to investments, payments, and distributions; to provide powers and duties for the Public Employees Retirement Board and the state investment officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 711. Introduced by Will, 8; Crosby, 29.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska; to require infertility coverage as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Matzke, 47; Wesely, 26.

A BILL FOR AN ACT relating to parental rights; to amend sections 30-2608, 43-102, 43-104, 43-104.02, 43-104.05, 43-105, 43-906, and 43-1202, Reissue Revised Statutes of Nebraska, and section 43-1411, Revised Statutes Supplement, 1994; to provide, in the adoption of a child born out of wedlock, for notice to the biological father as prescribed, appointment of guardians ad litem, and determination or termination of parental rights; to provide the alternative of court appointment of a guardian other than the surviving natural parent of a minor in probate proceedings; to harmonize provisions; to change and eliminate provisions relating to paternity claims and relinquishment for adoption requirements; to repeal the original sections; and to outright repeal sections 43-104.04 and 43-104.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 713. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-479 and 81-1021, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-335, and 60-462, Revised Statutes Supplement, 1994; to provide for undercover license plates and undercover driver's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320, Revised Statutes Supplement, 1994; to change provisions relating to dealer number plates; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-4,110, 60-6,196, 60-6,197, and 60-6,206, Reissue

Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment, and motor vehicle impoundment; to provide for a hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by Wickersham, 49; Beutler, 28; Bromm, 23; Matzke, 47.

A BILL FOR AN ACT relating to educational lands and funds; to amend sections 72-201, 72-204, 72-232.01, 72-232.02, 72-234, 72-235, 72-240.26, 72-241, 72-245, 72-257, 72-257.01, 72-258.01, 72-259, 79-1303, 85-123, and 85-317, Reissue Revised Statutes of Nebraska, and sections 72-232, 72-233, and 72-1237.01, Revised Statutes Supplement, 1994; to change provisions relating to educational lands; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-202, Reissue Revised Statutes of Nebraska.

RESOLUTIONS

LEGISLATIVE RESOLUTION 39CA. Introduced by Maurstad, 30.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 "For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness (1) all or any part of taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in ~~the~~ such redevelopment project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment and (2) all or any part of such other income, proceeds, and revenue, including income, proceeds, and revenue from other redevelopment projects of such cities or villages, as the Legislature shall authorize.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to specify the sources of payment for bonds issued by cities and villages for the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 40CA. Introduced by Hillman, 48; Elmer, 44; Jones, 43.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XII, section 8:

XII-8 "The Legislature may prescribe by general law restrictions or conditions of ownership and operation of agricultural land. ~~That Article XII of the Constitution of the State of Nebraska be amended by adding a new section numbered 8 and subsections as numbered, notwithstanding any other provisions of this Constitution.~~

~~Sec. 8. (1) No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching.~~

~~Corporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner.~~

~~Farming or ranching shall mean (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or (ii) the ownership, keeping or feeding of animals for the production of livestock or livestock products.~~

~~Syndicate shall mean any limited partnership organized under the laws of any state of the United States or any country, other than limited partnerships in which the partners are members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the~~

~~farm or ranch, and none of whom are nonresident aliens. This shall not include general partnerships.~~

~~These restrictions shall not apply to:~~

~~(A) A family farm or ranch corporation. Family farm or ranch corporation shall mean a corporation engaged in farming or ranching or the ownership of agricultural land, in which the majority of the voting stock is held by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are non-resident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.~~

~~These restrictions shall not apply to:~~

~~(B) Non-profit corporations.~~

~~These restrictions shall not apply to:~~

~~(C) Nebraska Indian tribal corporations.~~

~~These restrictions shall not apply to:~~

~~(D) Agricultural land, which, as of the effective date of this Act, is being farmed or ranched, or which is owned or leased, or in which there is a legal or beneficial interest in title directly or indirectly owned, acquired, or obtained by a corporation or syndicate, so long as such land or other interest in title shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate, and including such additional ownership or leasehold as is reasonably necessary to meet the requirements of pollution control regulations. For the purposes of this exemption, land purchased on a contract signed as of the effective date of this amendment, shall be considered as owned on the effective date of this amendment.~~

~~These restrictions shall not apply to:~~

~~(E) A farm or ranch operated for research or experimental purposes, if any commercial sales from such farm or ranch are only incidental to the research or experimental objectives of the corporation or syndicate.~~

~~These restrictions shall not apply to:~~

~~(F) Agricultural land operated by a corporation for the purpose of raising poultry.~~

~~These restrictions shall not apply to:~~

~~(G) Land leased by alfalfa processors for the production of alfalfa.~~

~~These restrictions shall not apply to:~~

~~(H) Agricultural land operated for the purpose of growing seed, nursery plants, or sod.~~

~~These restrictions shall not apply to:~~

~~(I) Mineral rights on agricultural land.~~

~~These restrictions shall not apply to:~~

~~(J) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential use for nonfarming or nonranching~~

~~purposes. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm or nonranch business operation, but pending the development of such agricultural land for nonfarm or nonranch purposes, not to exceed a period of five years, such land may not be used for farming or ranching except under lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.~~

~~These restrictions shall not apply to:~~

~~(K) Agricultural lands or livestock acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so acquired shall be disposed of within a period of five years and shall not be used for farming or ranching prior to being disposed of, except under a lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.~~

~~These restrictions shall not apply to:~~

~~(L) A bona fide encumbrance taken for purposes of security.~~

~~These restrictions shall not apply to:~~

~~(M) Custom spraying, fertilizing, or harvesting.~~

~~These restrictions shall not apply to:~~

~~(N) Livestock futures contracts, livestock purchased for slaughter, or livestock purchased and resold within two weeks.~~

~~If a family farm corporation, which has qualified under all the requirements of a family farm or ranch corporation, ceases to meet the defined criteria, it shall have fifty years, if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kindred or their spouses, and their landholdings are not increased, to either re-qualify as a family farm corporation or dissolve and return to personal ownership.~~

~~The Secretary of State shall monitor corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations, and notify the Attorney General of any possible violations. If the Attorney General has reason to believe that a corporation or syndicate is violating this amendment, he or she shall commence an action in district court to enjoin any pending illegal land purchase, or livestock operation, or to force divestiture of land held in violation of this amendment. The court shall order any land held in violation of this amendment to be divested within two years. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the State of Nebraska.~~

~~If the Secretary of State or Attorney General fails to perform his or her duties as directed by this amendment, Nebraska citizens and entities shall have standing in district court to seek enforcement.~~

~~The Nebraska Legislature may enact, by general law, further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the Legislature may prescribe by general law restrictions or conditions of ownership and operation of agricultural land.
For
Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Members Excused

Messrs. Wehrbein, Dierks, Kristensen, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

EASE

The Legislature was at ease from 10:02 a.m. until 10:42 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 717. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to ethics; to amend section 13-2203, Revised Statutes Supplement, 1994; to adopt the Municipal Purpose Act; to change provisions relating to local government expenditures; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Elmer, 44; Hudkins, 21; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to animals; to amend section 54-701.03, Reissue Revised Statutes of Nebraska, and sections 37-505, 37-703, 37-705, and 37-706, Revised Statutes Supplement, 1994; to classify domesticated elk, deer, and ratite birds as livestock; to define terms; to transfer duties from the Game and Parks Commission to the Department of Agriculture; to require a permit; to create a fund; to provide a penalty; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-164 and 22-174, Reissue Revised Statutes of Nebraska, and Laws 1971, LB 1034, section 1; to change the boundary line between

Missouri and Nebraska as prescribed; to cede to and relinquish jurisdiction over certain lands to Missouri; to amend the Missouri-Nebraska Boundary Compact of 1971; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 720. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to capital construction; to authorize construction of a medium-minimum security adult correctional facility; and to declare an emergency.

LEGISLATIVE BILL 721. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Supplement, 1994; to change provisions related to judges' salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 722. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to delete obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1531, Reissue Revised Statutes of Nebraska; to change the method for the determination of required contributions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 724. Introduced by Fisher, 35; Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1994; to adopt the Medical Savings Account Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to public funds; to amend section 77-2306, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of state funds; and to repeal the original section.

LEGISLATIVE BILL 726. Introduced by Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216, Reissue Revised Statutes of Nebraska; to eliminate duties of the Department of Public Institutions; and to repeal the original section.

LEGISLATIVE BILL 727. Introduced by Witek, 31.

A BILL FOR AN ACT relating to murder; to amend section 28-304, Reissue Revised Statutes of Nebraska; to change the definition of murder in the second degree; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by Witek, 31.

A BILL FOR AN ACT relating to public bodies; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to require votes to be public; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Witek, 31.

A BILL FOR AN ACT relating to county comptrollers; to amend section 23-1405, Reissue Revised Statutes of Nebraska; to change salary provisions for county comptrollers in counties having a population in excess of three hundred thousand inhabitants; and to repeal the original section.

LEGISLATIVE BILL 730. Introduced by Witek, 31; Day, 19; Dierks, 40; Fisher, 35; Pirsch, 10; Robak, 22.

A BILL FOR AN ACT relating to sexual offenders; to amend section 29-2925, Revised Statutes Supplement, 1994; to create the Sexual Offender Registration and Community Notification Act; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 731. Introduced by Kristensen, 37; Bromm, 23; Maurstad, 30.

A BILL FOR AN ACT relating to environmental laws; to provide for voluntary self-evaluation and environmental audit reports; to provide for confidentiality; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 732. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-651.04, Revised Statutes Supplement, 1994; to change a provision relating to payments in lieu of taxes; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Hartnett, 45; Avery, 3; Kristensen, 37; McKenzie, 34; Robinson, 16.

A BILL FOR AN ACT relating to educational service units; to amend section 79-2202.02, Reissue Revised Statutes of Nebraska; to eliminate a deadline for opting out of an educational service unit; and to repeal the original section.

LEGISLATIVE BILL 734. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to fiduciaries; to amend section 30-3205, Revised Statutes Supplement, 1994; to change provisions relating to investments as authorized; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Abboud, 12; Avery, 3; Brashear, 4; Brown, 6; Hall, 7; Hartnett, 45; Jensen, 20; Lindsay, 9; Lynch, 13; Pedersen, 39; Pirsch, 10; Preister, 5; Witek, 31; Withem, 14.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to provide for an engineering program and appropriations; and to declare an emergency.

LEGISLATIVE BILL 736. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1540, Reissue Revised Statutes of Nebraska; to increase the state deposit to a fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Will, 8.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-516.08, Reissue Revised Statutes of Nebraska; to change provisions relating to cooperative programs and contracting for instruction; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Robinson, 16; Hartnett, 45; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Revised Statutes Supplement, 1994; to provide for the denial or limitation of certain requests by utilities; and to repeal the original section.

LEGISLATIVE BILL 739. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to family policy; to amend section 43-533, Reissue Revised Statutes of Nebraska, and section 43-2403, Revised Statutes Supplement, 1994; to change provisions relating to reunification policy; to change provisions relating to objectives of the Juvenile Services Act; and to repeal the original sections.

LEGISLATIVE BILL 740. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to teachers; to amend sections 79-1247.05 and 79-1247.16, Reissue Revised Statutes of Nebraska; to change provisions relating to certification requirements; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 741. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-3801 and 79-3806, Reissue Revised Statutes of Nebraska; to change provisions relating to equalization aid for option students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 742. Introduced by McKenzie, 34, at the request of the Governor.

A BILL FOR AN ACT relating to special education; to amend sections 79-3325 and 79-3332, Reissue Revised Statutes of Nebraska; to change reimbursement for special education programs; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-3594, 23-3594.08, 23-3594.09, and 77-4803, Revised Statutes Supplement, 1994; to extend certain intergovernmental transfers and the Health Care Income Provider Tax; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 744. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, and 77-2703, Revised Statutes Supplement, 1994; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 745. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2704.24, and 77-2715.07, Revised Statutes Supplement, 1994; to provide for a sales tax on food; to establish procedures for a sales tax credit; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 746. Introduced by Witek, 31; Jensen, 20.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911, 29-211, and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to liability for and procedures of vehicular pursuit; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Robak, 22.

A BILL FOR AN ACT relating to health and mental health care; to provide rights for patients; to state intent; to define terms; and to provide a penalty.

LEGISLATIVE BILL 748. Introduced by Landis, 46.

A BILL FOR AN ACT relating to custodial trusts; to adopt the Uniform Custodial Trust Act; to provide severability; and to provide an operative date.

LEGISLATIVE BILL 749. Introduced by Landis, 46.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-630, Reissue Revised Statutes of Nebraska; to provide for the issuance of new birth certificates in certain cases; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to radioactive waste; to adopt the High-Level Nuclear Waste Liability Act.

LEGISLATIVE BILL 751. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Revised Statutes Supplement, 1994; to change penalties for failure to stop or furnish information; and to repeal the original section.

LEGISLATIVE BILL 752. Introduced by Robak, 22; Wesely, 26.

A BILL FOR AN ACT relating to mental health; to adopt the Rehabilitation and Support Mental Health Services Incentive Act.

LEGISLATIVE BILL 753. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to change provisions relating to aggravating circumstances in capital cases; and to repeal the original section.

LEGISLATIVE BILL 754. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to criminal history record information; to amend section 79-1247.06, Reissue Revised Statutes of Nebraska; to authorize the Commissioner of Education to require criminal history record information for certain certificate applicants; to provide duties for the Nebraska State Patrol and the State Board of Education; and to repeal the original section.

LEGISLATIVE BILL 755. Introduced by Jensen, 20; Avery, 3; Jones, 43; Pirsch, 10; Robinson, 16; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 29-2525, 29-2528, and 29-3001, Reissue Revised Statutes of Nebraska, and section 29-3002, Revised Statutes Supplement, 1994; to change provisions relating to appeals in capital punishment cases; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Hartnett, 45; Engel, 17; Hillman, 48; Janssen, 15; Preister, 5; Wickersham, 49.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-506, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings, payments, and expenses for boards of directors; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 757. Introduced by Hartnett, 45; Hillman, 48; Janssen, 15; Preister, 5.

A BILL FOR AN ACT relating to fire protection districts; to amend sections 35-506 and 35-507, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-404, 32-567, 32-606 to 32-608, 32-811, 32-816, and 32-1203, Revised Statutes Supplement, 1994; to change election and meeting provisions for the board of directors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to courts; to amend sections 24-517 and 25-2706, Revised Statutes Supplement, 1994; to change the jurisdiction of the county court; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to change provisions relating to educational institutions and disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 760. Introduced by Robinson, 16; Hartnett, 45; Janssen, 15; Jones, 43; Pirsch, 10; Schmitt, 41; Witek, 31.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-2210 and 79-2210.03, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levy limitations; to require a report; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Hartnett, 45; Robinson, 16.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-2208 to 79-2210, Reissue Revised Statutes of Nebraska; to permit contracts and fees for services; to limit uses for certain tax revenue; to change the maximum permissible levy; and to repeal the original sections.

LEGISLATIVE BILL 762. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-340, Revised Statutes Supplement, 1994; to change provisions relating to pickle card units and prize limits; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Anatomical Gift Act; to amend section 60-495, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1994; to adopt the Uniform Anatomical Gift Act; to repeal the Uniform Anatomical Gift Act and provisions relating to anatomical gifts; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 71-4803, 71-4805, 71-4806, 71-4809, and 71-4811 to 71-4818, Reissue Revised Statutes of Nebraska, and sections 71-4801, 71-4802, 71-4804, 71-4807, and 71-4810, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 764. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental education; to adopt the Environmental Education Act; and to provide for environmental education license plates.

LEGISLATIVE BILL 765. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-1,103, 9-512, 9-602, 9-603, 9-604, 9-605, 9-606, 9-613, 9-615, 9-619, 9-624, 9-625, 9-626, 9-627, 9-628, 9-629.01, 9-634, 9-635, 9-640, 9-641, 9-645, 9-649, and 84-712.05, Reissue Revised Statutes of Nebraska, and sections 2-219, 9-1,101, 9-1,104, 9-204, 9-226, 9-255.06, 9-312, 9-315, 9-322, 9-402, 9-411, 9-415, 9-418, 9-422, 9-502, 9-507, 9-509, 9-601, 9-606.01, 9-607, 9-614, 9-620, 9-629, 9-629.02, 9-630, 9-631, 9-631.01, 9-636, 9-639, 9-642, 9-642.01, 9-643, 9-646, 9-646.01, 9-648, 9-650, 9-652, 9-653, 9-701, 9-826, 13-503, 28-1101, 28-1105, 28-1113, and 68-1735, Revised Statutes Supplement, 1994; to rename the act; to change provisions relating to lotteries; to provide for electronic lotteries under the act; to provide for operation of lotteries by licensed racetrack organizations; to provide penalties; to provide for confidentiality of information; to eliminate a limitation on ticket prices; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 9-637, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 766. Introduced by Day, 19; Brown, 6; Jones, 43; Pedersen, 39; Pirsch, 10; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-6,211.01, 60-6,211.02, and 60-6,211.03, Reissue Revised Statutes of Nebraska; to change provisions relating to zero tolerance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Schellpeper, 18; Elmer, 44; Engel, 17; Fisher, 35.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1227 to 2-1229, Revised Statutes Supplement, 1994; to change provisions relating to simulcast licenses; and to repeal the original sections.

LEGISLATIVE BILL 768. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the State Electrical Division; to amend sections 81-2117.02 and 81-2118, Reissue Revised Statutes of Nebraska; to change provisions relating to licenses; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Wesely, 26; Crosby, 29; Preister, 5.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196 and 60-6,197, Reissue Revised Statutes of Nebraska; to provide for substance abuse treatment as a condition of operator's license reinstatement; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 41CA. Introduced by Brown, 6.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 3, Article X, sections 1 and 3, Article XV, sections 22 and 23, and repeal Article IV, section 20:

IV-3 "The Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, and Attorney General ~~and members of the Public Service Commission~~ shall be ineligible to file for re-election to those respective offices and shall be ineligible to serve in those respective offices for a number of years equal to the number of years in the term for which they were last elected, next after the expiration of the second of two consecutive terms for which previously elected, and as further provided in Article XV Section 22."

X-1 "Every public utility corporation or common carrier organized or doing business in this state shall report~~,~~ under oath~~, to the Railway Commission,~~ when required by law. ~~or the order of said Commission.~~ The reports so made shall include such matter as may be required by law. ~~or the order of said Commission.~~".

X-3 "No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property ~~without permission of the Railway Commission; and in~~ unless it complies with the requirements the Legislature may by law require. In no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders~~,~~ in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise."

XV-22 "Appointments; effective date of term; ineligibility. The following provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, members of the State Legislature, ~~elected members of the Public Service Commission,~~ elected members of the State Board of Education, elected members of the Board of Regents of the University of Nebraska:

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3, ~~and 20;~~ Article VII Section 3 and 10; Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions."

"Article IV, section 20, of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to remove references to the Public Service Commission and the Railway Commission.
For
Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:51 a.m. until 11:33 a.m.

SPEAKER WITHEM PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 770. Introduced by Wesely, 26; Crosby, 29.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change the rate of taxation; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Bromm, 23; Hudkins, 21.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2101, 14-2116, 14-2122, and 71-6316, Revised Statutes Supplement, 1994; to provide for in lieu of tax payments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 772. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to easements; to authorize an easement as prescribed.

LEGISLATIVE BILL 773. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to insurance; to amend section 79-207, Reissue Revised Statutes of Nebraska; to adopt the Kids First Health Insurance Pool Act; to require coverage for students and reporting of such coverage; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate closing agents; to amend section 76-2,122, Revised Statutes Supplement, 1994; to change requirements; to exempt transactions from requirements; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Wesely, 26; Beutler, 28; Crosby, 29; Day, 19; Robak, 22; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to sexually violent predators; to create the Sexually Violent Predator Act; to state intent; to define terms; to authorize involuntary commitment for treatment; to prescribe procedures for commitment; and to provide powers and duties for courts and the Department of Public Institutions.

LEGISLATIVE BILL 776. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to sex offender registration; to provide registration requirements; and to provide penalties.

LEGISLATIVE BILL 777. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to child abuse and neglect investigations; to amend section 28-713, Revised Statutes Supplement, 1994; to change and provide duties for the Department of Social Services and law enforcement agencies; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Wesely, 26; Beutler, 28.

A BILL FOR AN ACT relating to handgun certificates; to amend sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994; to provide duties for the Department of Public Institutions, the Department of Social Services, mental health centers, and the Nebraska State Patrol;

to provide a penalty; to provide for immunity; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1994; to create the offense of unlawful possession of a firearm on public grounds; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 780. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to educational service units; to amend sections 13-916, 43-2505, 43-2511, 79-328, 79-488, 79-488.06, 79-4,140.02, 79-4,140.04, 79-4,140.05, 79-4,140.06, 79-4,140.08, 79-4,140.09, 79-4,140.11, 79-4,140.12, 79-4,140.13, 79-4,241, 79-4,226, 79-1032, 79-1045, 79-1048, 79-1049, 79-1049.04, 79-1254.02, 79-12,153, 79-1501, 79-2002, 79-2010, 79-2011, 79-2225, 79-3002, 79-3313, 79-3319, 79-3321, 79-3323, 79-3325, 79-3327, 79-3332, 79-3333, 79-3334, 79-3340, 79-3343, 79-3414, 79-3503, 79-4003, 79-4004, and 84-304, Reissue Revised Statutes of Nebraska, and sections 9-812, 13-501, 13-503, 13-517, 13-2202, 23-3301, 32-404, 32-527, 32-567, 32-606, 32-607, 32-608, 32-811, 32-816, 32-1203, 32-1301, 32-1302, 49-14,103.01, 77-2363, 77-3438, and 77-3439, Revised Statutes Supplement, 1994; to eliminate educational service units; to provide duties for the Commissioner of Education; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1049.05, 79-2201 to 79-2202, 79-2202.02 to 79-2210.04, and 79-2212 to 79-2224, Reissue Revised Statutes of Nebraska, and sections 23-3302 and 32-515, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 781. Introduced by Hall, 7; Hartnett, 45; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4618.02, Revised Statutes Supplement, 1994; to change subsidization filing requirements; to eliminate provisions relating to the filing information as a public record; to repeal the original section; and to outright repeal section 19-4618.03, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 782. Introduced by Hartnett, 45; Abboud, 12; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4615, Reissue Revised Statutes of Nebraska; to change provisions relating to rate filing notice; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by Hartnett, 45; Abboud, 12; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4616, Reissue Revised Statutes of Nebraska; to change provisions relating to the rate filing hearing; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to adopt the Unjust Conviction and Imprisonment Act.

LEGISLATIVE BILL 785. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to teachers; to amend section 79-1233, Reissue Revised Statutes of Nebraska; to change provisions relating to substitute teachers; and to repeal the original section.

LEGISLATIVE BILL 786. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to educational service units; to amend section 79-2201.01, Reissue Revised Statutes of Nebraska; to permit educational service units to sell real estate; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 20-151, 20-152, and 23-1201, Reissue Revised Statutes of Nebraska, and sections 27-404 and 29-1927, Revised Statutes Supplement, 1994; to redefine a term; to provide for use of interpreters upon the arrest of a hearing impaired person; to change provisions relating to plea agreements, the admission of character evidence, and discovery; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Landis, 46, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Medical Savings Account Act; to amend sections 77-2716 and 77-2790, Revised Statutes Supplement, 1994; to create the Nebraska Medical Savings Account Act; to define terms; to provide penalties; to provide a deduction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 789. Introduced by Bohlke, 33; McKenzie, 34; Robinson, 16.

A BILL FOR AN ACT relating to government; to amend sections 84-712.05 and 84-1410, Reissue Revised Statutes of Nebraska; to provide that certain records relating to job applicants and interviewing are not public matters; and to repeal the original sections.

LEGISLATIVE BILL 790. Introduced by Warner, 25.

A BILL FOR AN ACT relating to schools; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 77-27,132, and 79-3332, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 1994; to create the School Aid Fund and to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Warner, 25.

A BILL FOR AN ACT relating to property tax; to amend sections 77-1201, 77-1202, 77-1229, 77-1232, 77-1233.02, and 77-1301, Revised Statutes Supplement, 1994; to require listing of property not subject to property tax; to require assessments and reports; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1994; to change a provision relating to property tax exemptions; to redefine charitable organization; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 794. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4104.01 and 77-4110, Reissue Revised Statutes of Nebraska, and section 77-4103, Revised Statutes Supplement, 1994; to redefine terms; to change incentive limitations; to change a report requirement; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4101, 77-4102, 77-4105, and 77-4107, Reissue Revised Statutes of Nebraska, and section 77-4104, Revised Statutes Supplement, 1994; to require a positive net fiscal return to the state; to provide duties for the Department of Revenue; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 796. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to housing; to adopt the Affordable Housing Trust Fund Act; and to impose an instrument recording fee.

LEGISLATIVE BILL 797. Introduced by Hillman, 48; Bernard-Stevens, 42; Brown, 6; Day, 19.

A BILL FOR AN ACT relating to domestic abuse; to amend sections 29-404.02, 29-404.03, 42-903, 42-924, 42-924.01, 42-924.02, 42-925, and 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to arrests; to change provisions relating to the Protection from Domestic Abuse Act; to provide for emergency orders; to provide duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by Avery, 3; Elmer, 44; Hartnett, 45; Hudkins, 21; Jensen, 20; Lynch, 13; Maurstad, 30; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to state government; to amend sections 42-917, 43-2611, 81-8,240, 81-8,241, 81-8,244, 81-8,246, 81-8,253, 81-8,254, and 84-104.08, Reissue Revised Statutes of Nebraska, and section 12-1208, Revised Statutes Supplement, 1994; to provide duties for the Office of Public Counsel; to provide for transfer of appropriations; to eliminate the Commission on Indian Affairs, the Commission on Mexican-Americans, and the Nebraska Commission on the Status of Women; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-8,255 to 81-8,260.02, 81-8,262 to 81-8,271, and 81-2501 to 81-2508, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 799. Introduced by Cudaback, 36; Lynch, 13.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 86-808, Reissue Revised Statutes of Nebraska; to create the Nebraska Cable Television Act; to provide for the regulation of cable television companies; to provide duties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 800. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-809, Reissue Revised Statutes of

Nebraska; to change provisions relating to the use of evidence; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Abboud, 12; Brown, 6; Maurstad, 30; Pirsch, 10; Preister, 5; Witek, 31.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3507, Revised Statutes Supplement, 1994; to change income amounts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 802. Introduced by Abboud, 12; Brown, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-3703, Reissue Revised Statutes of Nebraska; to change provisions relating to early childhood education pilot projects; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the regulation of water; to amend section 46-235.04, Reissue Revised Statutes of Nebraska; to change provisions relating to induced ground water recharge appropriations; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; and Withem, 14.

A BILL FOR AN ACT relating to city planning; to amend section 19-910, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers of the board of adjustment; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; and Withem, 14.

A BILL FOR AN ACT relating to city planning; to amend section 19-908, Reissue Revised Statutes of Nebraska; to change board of adjustment membership requirements; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; and Withem, 14.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-921, Revised Statutes Supplement, 1994; to redefine subdivision for purposes of city planning and zoning; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by Robinson, 16; Hartnett, 45; Hillman, 48; Preister, 5.

A BILL FOR AN ACT relating to recall elections; to amend sections 32-1301 to 32-1303, Revised Statutes Supplement, 1994; to provide for recall of directors of rural or suburban fire protection districts; and to repeal the original sections.

LEGISLATIVE BILL 808. Introduced by Will, 8.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3509.01 and 77-3509.02, Reissue Revised Statutes of Nebraska, and sections 77-3501, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3513, 77-3514, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Revised Statutes Supplement, 1994; to provide a homestead exemption for all homesteads; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit open containers of alcohol in motor vehicles as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Janssen, 15; Bohlke, 33.

A BILL FOR AN ACT relating to wages; to amend section 48-1230, Reissue Revised Statutes of Nebraska; to provide methods of payment of employee wages; and to repeal the original section.

LEGISLATIVE BILL 811. Introduced by Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Hudkins, 21; Jones, 43; Schellpeper, 18; Schrock, 38; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4401 to 2-4404, Reissue Revised Statutes of Nebraska; to provide for use of the act in court actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Hall, 7; Fisher, 35; Hudkins, 21; Robak, 22.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1418, 28-1419, and 28-1425, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to tobacco products and minors; to require posting of signs; to provide penalties; to authorize testing for compliance by law enforcement; to eliminate provisions relating to vending machines and misrepresentation of age; to repeal the original sections; to outright repeal section 28-1427, Reissue Revised Statutes of Nebraska, and section 28-1429.01, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 813. Introduced by Hall, 7.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196, 60-6,197, and 60-6,206, Reissue Revised Statutes of Nebraska; to change provisions relating to prior convictions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,122, Reissue Revised Statutes of Nebraska; to change provisions relating to the renewal of operators' licenses and state identification cards; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to require disclosure of manufacturer adjustment programs as prescribed; to define terms; to provide duties; to require reimbursement; and to provide remedies.

LEGISLATIVE BILL 816. Introduced by Hall, 7.

A BILL FOR AN ACT relating to insurance; to require a premium reduction for completion of driver improvement courses.

LEGISLATIVE BILL 817. Introduced by Hall, 7.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1204 and 23-390, Reissue Revised Statutes of Nebraska; to eliminate restrictions on types of corporations and associations which may be licensed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Hall, 7.

A BILL FOR AN ACT relating to schools; to adopt the Charter Schools Act.

LEGISLATIVE BILL 819. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1994; to adopt the

Medical Savings Account Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Hall, 7.

A BILL FOR AN ACT relating to oaths of office; to amend sections 11-101.02, 11-101.03, and 19-3015, Reissue Revised Statutes of Nebraska, and sections 32-213, 32-222, and 32-238, Revised Statutes Supplement, 1994; to eliminate an oath of office; to harmonize provisions; to repeal the original sections; and to outright repeal section 11-101.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 821. Introduced by Hall, 7.

A BILL FOR AN ACT relating to Nebraska Fair Employment Practice Act; to amend section 48-1118, Reissue Revised Statutes of Nebraska; to require a filing fee; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Hall, 7.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1994; to provide exemption criteria for nonprofit hospitals; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-14,105 to 49-14,107 and 49-14,112, Reissue Revised Statutes of Nebraska; to change appointment procedures for members of the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Director of Health; to eliminate a qualifications requirement; and to outright repeal section 71-2609, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 825. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to health care; to amend section 71-5866, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals for a certificate of need; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 23-174.01, 71-1557, and

71-6407, Revised Statutes Supplement, 1994; to eliminate certain prohibitions on zoning regulations and health and safety regulations; and to repeal the original sections.

EASE

The Legislature was at ease from 11:45 a.m. until 12:07 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 827. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1305 and 76-703, Reissue Revised Statutes of Nebraska, and section 74-308, Revised Statutes Supplement, 1994; to change eminent domain procedures as prescribed; to require hearings and investigations of alternatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Withem, 14; Abboud, 12; Avery, 3; Brashear, 4; Brown, 6; Hartnett, 45; Jensen, 20; Lindsay, 9; Pirsch, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to change provisions relating to the setting of rates, rents, tolls, and other charges; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 829. Introduced by Withem, 14; Abboud, 12; Avery, 3; Brashear, 4; Brown, 6; Jensen, 20; Lindsay, 9; Pirsch, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Quality Jobs Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 830. Introduced by Withem, 14; Abboud, 12; Avery, 3; Brashear, 4; Brown, 6; Jensen, 20; Lindsay, 9; Pirsch, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to redevelopment; to adopt the Nebraska Redevelopment Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 831. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-488, Reissue Revised Statutes of Nebraska; to exempt certain nonresidents from holding a motor vehicle operator's license as prescribed; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Day, 19.

A BILL FOR AN ACT relating to foster care; to amend section 43-1301, Reissue Revised Statutes of Nebraska; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Cudaback, 36; Schrock, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-2701.01, 77-2701.02, 79-3509, 79-3802, 79-3804, 79-3816, and 79-3822, Reissue Revised Statutes of Nebraska; to change the income tax rate and the sales tax rate; to change provisions relating to an appropriation under the Help Education Lead to Prosperity Act; to change the percentage of income tax receipts dedicated to public school support; to change provisions relating to allowable growth rate and range; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 834. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medicaid; to amend section 68-1020, Reissue Revised Statutes of Nebraska; to state intent; to change eligibility provisions; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to require students at institutions of postsecondary education to participate in health insurance programs.

LEGISLATIVE BILL 836. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Revised Statutes Supplement, 1994; to adopt the ERISA Reform Act; to require coverage as prescribed; to provide requirements for health benefit plans; and to repeal the original section.

LEGISLATIVE BILL 837. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5253 and 44-5260, Revised Statutes Supplement, 1994; to change provisions relating to small employer health insurance; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to adopt the Health Care Purchasing Pool Act.

LEGISLATIVE BILL 839. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 42-917, 43-522, 43-524, 43-526, 43-2508 to 43-2511, 43-2515, 44-773, 44-774, 44-4207, 44-4208, 68-104, 68-126, 68-214, 68-309, 68-313, 68-716, 68-717, 68-719, 68-1001.01, 68-1014, 68-1016, 68-1017, 68-1020, 68-1023, 68-1024 to 68-1026, 68-1033, 68-1034, 68-1035, 68-1036, 68-1039, 68-1043, 68-1402, 68-1403, 68-1405, 71-1401, 71-1403, 71-2617, 71-5002, 71-5004, 71-5015, 71-5021 to 71-5023, 71-5027, 71-5030, 71-5031, 71-5033, 71-5035, 71-5037 to 71-5040, 72-249, 81-604.03, 81-2229, 81-2231, 81-2265, 81-2268, 81-2269, 81-2271, 83-158.01, 83-159, 83-163 to 83-169, 83-1040, and 83-1214 to 83-1216, Reissue Revised Statutes of Nebraska, and sections 43-512, 43-3001, 68-1019 to 68-1019.05, 68-1019.07, 68-1021, 68-1030, 68-1031, 68-1035.01, 68-1036.02, 68-1036.03, 68-1038, 68-1047, 68-1050, 71-1,312, 71-604.05, 71-2017.07, 71-5001, 71-5003, 71-5003.01, 71-5008, 71-5009, 71-5014, 71-7518.03, 77-27,161, 77-27,163.01, and 77-27,208, Revised Statutes Supplement, 1994; to adopt the Nebraska Health Care Efficiency and Improvement Act; to transfer duties to the Department of Health from the Department of Insurance, the Department of Public Institutions, and the Department of Social Services relating to the Comprehensive Health Insurance Pool, community mental health, alcoholism, and drug abuse services, medicaid, medically handicapped children's services, and genetically handicapped person's services; to harmonize provisions; to eliminate definitions, a division, mental health regions, and certain benefit provisions; to repeal the original sections; and to outright repeal sections 68-721, 71-5005 to 71-5007, 71-5009.01, 71-5016 to 71-5020, 71-5024 to 71-5026, 71-5028, 71-5032, 81-1328.01 to 81-1328.03, 83-160, 83-161.02, and 84-1326.01, Reissue Revised Statutes of Nebraska, and sections 68-1036.01, 71-602.01, and 71-5034, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 840. Introduced by Bohlke, 33, Wickersham, 49, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 79-3509.02, 79-3801, 79-3803, 79-3804, 79-3806, 79-3812, and 79-3813, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to state aid for reorganized districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Jones, 43; Withem, 14.

A BILL FOR AN ACT relating to real estate brokers; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to change provisions relating to trust accounts; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Jones, 43; Bernard-Stevens, 42; Bohlke, 33; Day, 19; Dierks, 40; Fisher, 35; Kristensen, 37; Maurstad, 30; McKenzie, 34; Pirsch, 10; Robinson, 16; Schmitt, 41; Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

LEGISLATIVE BILL 843. Introduced by Dierks, 40; Crosby, 29; Lindsay, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1724, Revised Statutes Supplement, 1994; to change provisions relating to payment standards for cash assistance; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Hall, 7.

A BILL FOR AN ACT relating to retirement; to create the Employees of Elected Constitutional Offices Supplemental Retirement Plan; to provide retirement benefits for employees of constitutional offices; and to provide a penalty.

LEGISLATIVE BILL 845. Introduced by Bohlke, 33; Cudaback, 36; Jones, 43; McKenzie, 34; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,141.01 and 84-304, Reissue Revised Statutes of Nebraska; to change provisions relating to audits; and to repeal the original sections.

LEGISLATIVE BILL 846. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend section 44-5256, Revised Statutes Supplement, 1994; to change applicability of the Small Employer Health Insurance Availability Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 847. Introduced by Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1240 to 72-1242, 81-1108, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 72-1237, 72-1239, and 72-1243, Revised Statutes Supplement, 1994; to create the investment and retirement divisions of the Department of Administrative Services; to require the state investment officer and the director of the Nebraska Public Employees Retirement Systems to be appointed by the Governor; to change provisions relating to membership of the Nebraska Investment Council and the Public Employees Retirement Board; to transfer and provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 848. Introduced by Maurstad, 30; Avery, 3; Coordsen, 32; Schrock, 38.

A BILL FOR AN ACT relating to natural gas; to adopt the Private Natural Gas Company Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 849. Introduced by Bohlke, 33; Day, 19.

A BILL FOR AN ACT relating to public health and welfare; to create a program to reduce teen pregnancy; and to provide duties for the Department of Health and the State Department of Education.

LEGISLATIVE BILL 850. Introduced by Jensen, 20; Pirsch, 10.

A BILL FOR AN ACT relating to landlord and tenant; to amend section 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for restitution; and to repeal the original section.

LEGISLATIVE BILL 851. Introduced by Hall, 7.

A BILL FOR AN ACT relating to lotteries; to amend section 9-512, Reissue Revised Statutes of Nebraska, and sections 2-219, 9-1,104, 9-204, 9-226, 9-255.06, 9-312, 9-315, 9-322, 9-402, 9-411, 9-415, 9-418, 9-422, 9-502, 9-507, 9-509, 9-607, 9-620, 9-701, 9-826, 13-503, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1994; to adopt the Nebraska Local Option Gaming Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 852. Introduced by Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-1,279, 71-203, 71-340 to 71-345, 71-347, 71-356, 71-358, 71-359, 71-361, 71-362, 71-364, 71-368, 71-369, 71-371, 71-372, 71-376, 71-377, 71-381, 71-385 to 71-387, 71-389, 71-390, 71-394 to 71-396, 71-3,100, 71-3,102 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,119 to 71-3,121, 71-3,124, 71-3,125, 71-3,136 to 71-3,143, 71-3,145 to 71-3,147, 71-3,149, 71-3,150, 71-3,159, 71-3,169, 71-3,174, and 71-3,177 to 71-3,179, Reissue Revised Statutes of

Nebraska, and sections 71-382 and 71-397, Revised Statutes Supplement, 1994; to provide for regulation of nail technicians and nail technology instructors, schools, and salons; to change provisions relating to penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by Schrock, 38; Bromm, 23; Elmer, 44; Maurstad, 30; Robinson, 16; Schmitt, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,132, 77-3504, and 79-3812, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2704.24, and 77-2715.07, Revised Statutes Supplement, 1994; to provide for a sales tax on food; to establish procedures for a sales tax credit; to provide that revenue raised be allocated to the Tax Equity and Educational Opportunities Fund and the Educational Excellence Fund; to harmonize provisions; to provide for an operative date; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to establish the position of State Recreational Trails Coordinator.

LEGISLATIVE BILL 855. Introduced by Elmer, 44; Wehrbein, 2.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1532, Reissue Revised Statutes of Nebraska; to provide duties for state agencies and political subdivisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 856. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the State Government Effectiveness Act; to amend section 81-2704, Reissue Revised Statutes of Nebraska; to change provisions relating to reports prepared by the Public Counsel; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2319, 76-2320, and 76-2323, Revised Statutes Supplement, 1994; to change provisions relating to the statewide one-call notification center, duties of operators, and marking or identification of underground facilities; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to hospitals; to require the filing of a community benefit report.

LEGISLATIVE BILL 859. Introduced by Bohlke, 33; Bromm, 23; Hall, 7; Hudkins, 21; Lindsay, 9; Robinson, 16.

A BILL FOR AN ACT relating to school districts; to change and eliminate a duty to provide certain information; and to outright repeal section 71-6909, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 860. Introduced by Robinson, 16; Bohlke, 33; Bromm, 23; Crosby, 29; Dierks, 40; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; McKenzie, 34; Schmitt, 41; Schrock, 38.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 1994; to provide lottery funds to implement access to telecomputing resources; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Avery, 3; Hartnett, 45.

A BILL FOR AN ACT relating to schools; to require full-time guidance counselors as prescribed.

LEGISLATIVE BILL 862. Introduced by Avery, 3.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-215, Revised Statutes Supplement, 1994; to change age limitations on permits to kill deer, antelope, and elk; and to repeal the original section.

LEGISLATIVE BILL 863. Introduced by Maurstad, 30; Avery, 3; Beutler, 28; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; McKenzie, 34; Pedersen, 39; Pirsch, 10; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1; Warner, 25.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to liability for vehicular pursuit; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 864. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to drainage; to amend section 31-739, Reissue Revised Statutes of Nebraska; to change provisions relating to sanitary and improvement districts; and to repeal the original section.

LEGISLATIVE BILL 865. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend section 59-802, Reissue Revised Statutes of Nebraska; to prohibit the underselling of competitors as prescribed; to provide a penalty; and to repeal the original section.

EASE

The Legislature was at ease from 12:16 p.m. until 12:21 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 866. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-250, 43-261, and 43-276, Reissue Revised Statutes of Nebraska; to provide funding for community-based delinquency programs; to change procedures in juvenile proceedings; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to judges; to amend section 43-2,125, Reissue Revised Statutes of Nebraska; to authorize the temporary reassignment of separate juvenile court judges; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to family law; to amend sections 43-290 and 43-512.07, Reissue Revised Statutes of Nebraska; to change provisions relating to the costs of care, treatment, and support for certain juveniles, and assignment of court-ordered support. and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-1802 and 43-1803, Reissue Revised Statutes of Nebraska; to change provisions relating to pleadings and proof; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by McKenzie, 34; Beutler, 28; Bohlke, 33; Bromm, 23; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Hall, 7; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; Robak, 22; Robinson, 16; Schrock, 38; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1345, Revised Statutes Supplement, 1994; to provide funding for tax credits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 871. Introduced by Elmer, 44; Bernard-Stevens, 42; Bohlke, 33; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Fisher, 35; Hillman, 48; Jones, 43; Maurstad, 30; McKenzie, 34; Robak, 22; Schellpeper, 18; Schmitt, 41; Schrock, 38; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to appropriation of water; to amend sections 46-2,108, 46-2,109, 46-2,115, and 46-2,119, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for instream appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 872. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2313, Revised Statutes Supplement, 1994; to change provisions relating to the elective share of a spouse; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Cudaback, 36; Janssen, 15; Robinson, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-315, Reissue Revised Statutes of Nebraska, and section 77-1240.03, Revised Statutes Supplement, 1994; to change provisions relating to refunds of registration fees and property taxes on motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Withem, 14.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-192.01, Revised Statutes Supplement, 1994; to change provisions relating to primary American source of supply; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Withem, 14.

A BILL FOR AN ACT relating to child support; to amend sections 43-512.12 and 43-512.15, Reissue Revised Statutes of Nebraska, and sections 42-364, 42-364.16, 43-2,113, and 43-1214.01, Revised Statutes Supplement, 1994; to provide that guidelines be adopted by the Department of Social Services and not the Supreme Court; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to Game and Parks; to amend sections 37-1102 and 37-1112, Reissue Revised Statutes of Nebraska; to provide for the issuance of park entry permits to veterans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 877. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-503, Revised Statutes Supplement, 1994; to change the number of judges of the separate juvenile courts and county courts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-924 to 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to protection orders; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 42CA. Introduced by Bromm, 23.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 "The Legislature may provide by law that each city, village, or metropolitan utilities district which acquires or has acquired real property outside of the county in which the city or village is located or outside of any county which is in whole or in part served by the metropolitan utilities district for water supply purposes shall annually make payments in lieu of taxes to the county and all taxing subdivisions within which the real property or any portion is located. The amount of the payments in lieu of taxes shall be determined based on the use the real property had at the time of acquisition and without regard to any value which the real property might have for other purposes or uses.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to require payments in lieu of taxes to counties and all taxing subdivisions by cities, villages, and metropolitan utilities districts for real property acquired for water supply purposes.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 43CA. Introduced by Schellpeper, 18; Bernard-Stevens, 42; Hall, 7; Hartnett, 45; Pedersen, 39; Robak, 22.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) The Legislature may authorize and regulate casino gaming activities which require the payment of money or other valuable consideration for a chance to win money or other valuable consideration, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, or for the promotion of agriculture and livestock breeding. Such games shall include, but not be limited to, player-activated electronic, video, or mechanical lottery devices, dice, card games of chance, and table games of chance.

(5) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of

wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to permit the Legislature to authorize and regulate player-activated electronic, video, or mechanical lottery devices and use of the proceeds for the charitable or community betterment purposes, civic benefit, tax relief, or the promotion of agriculture or animal husbandry.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 44CA. Introduced by Lynch, 13; Hartnett, 45.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5:

VII-5 "(1) Except as provided in subsections (2), ~~and~~ (3), and (4) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~ percent in a fund for state highways and twenty-five ~~per cent~~ percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~ percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

(4) The Legislature may provide that the actual direct costs for the time of personnel incurred in the prosecution of violations resulting in the collection of fines or penalties may be recovered by the agency or political subdivision incurring the costs before such funds are appropriated for the use and support of the common schools. The costs recovered shall not exceed ten percent of the fine or penalty collected.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize recovery of certain personnel costs incurred in the prosecution of violations resulting in collection of fines and penalties before appropriation of the fines and penalties for the use and support of the common schools.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 45CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) ~~Except as provided in this section, the~~ The Legislature may ~~shall not~~ authorize any game of chance, ~~or any~~ lottery, or gift enterprise. ~~when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.~~

~~(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.~~

~~(3)~~ (2) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

~~(4)~~ (3) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the Legislature may authorize any game of chance, lottery, or gift enterprise and to eliminate provisions limiting the lawful purpose of a game of chance, lottery, or gift enterprise.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 46CA. Introduced by Hillman, 48; Crosby, 29; Engel, 17; Hall, 7; Lynch, 13; Maurstad, 30.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 "The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~; PROVIDED, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county administrator form of county government in which county officers may be appointed, but such form shall be optional with each county and shall occur in any county only upon adoption by a majority vote of the registered voters of the county.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 47CA. Introduced by Hall, 7, at the request of the Governor.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, sections 2, 3, 4, and 15, Article XV, section 22, and Article XV, section 23:

VII-2 "The State Department of Education shall be comprised of a Commissioner of Education and a State Board of Education ~~and a Commissioner of Education~~ which shall be advisory to the commissioner. The State Department of Education shall have ~~general supervision and administration of the school system of the state and of such other activities~~ such duties as the Legislature may direct."

VII-3 "The State Board of Education shall be composed of eight members.

Before 1998, the members ~~, who~~ shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation~~,~~ but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot.

Beginning in 1998, the members of the board shall cease to be elected, and the Governor, with the approval of a majority of the members elected to the Legislature, shall appoint members to the board as the terms of office of the elected members expire. Appointed members shall be appointed from the State Board of Education districts as the districts exist at the time of appointment. Any member shall be eligible for appointment to the board after his or her elective term expires. The term of office of each appointed member shall be four years. The powers and duties of the board shall be prescribed by the Legislature, and members shall receive no compensation but shall be reimbursed their actual and necessary expenses incurred in the performance of their duties. Members of the board shall not be actively engaged in the educational profession."

VII-4 "The ~~State Board of Education~~ Governor shall appoint, subject to approval by a majority of the members elected to the Legislature, and fix the compensation of the Commissioner of Education. The commissioner ~~, who~~ shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education~~,~~ and ~~who~~ shall have such powers and duties as the Legislature may direct. ~~The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.~~"

VII-15 "Elected Officials; ineligibility. (1) The members of the Board of Regents ~~and the State Board of Education~~ shall be ineligible to file for re-election to their respective offices and shall be ineligible to serve in their respective offices for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election and as further provided in Article XV Section 22.

(2) The voters of the state may lengthen, shorten, or eliminate the limitation on terms of office for the State Board of Education or the governing board of a state institution of higher education imposed by this Section 15."

XV-22 "Appointments; effective date of term; ineligibility. The following provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, members of the State Legislature, elected members of the Public Service Commission, ~~elected members of the State Board of Education,~~ elected members of the Board of Regents of the University of Nebraska:

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3 and 20; Article VII Section 3 and 10 before 1998 and beginning in 1998, Article VII, section 10; Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe.

Any registered voter of the state may seek enforcement of these provisions.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for appointment of the members of the State Board of Education and appointment of the Commissioner of Education by the Governor, to make the board advisory to the commissioner, and to change the powers and duties of the board and the commissioner.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 879. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to abortion; to prohibit the use of public funds to pay for abortions; and to provide an exception.

LEGISLATIVE BILL 880. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to community corrections; to amend sections 83-1,147, 83-922, and 83-939, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 1994; to establish the Division of Community Corrections within the Department of Correctional Services; to create the Community Corrections Advisory Board; to define terms; to provide for local community corrections advisory committees; to eliminate the Community Correctional Facilities and Programs Act and provisions relating to the Division of Community-Centered Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 47-601 to 47-618 and 83-931 to 83-933, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 881. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to probation administration; to amend sections 29-2246, 29-2251, 29-2253, 29-2257, 29-2258, 29-2261, and 83-1,102 to 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2252, 29-2259, 29-2262.03, and 29-2269, Revised Statutes Supplement, 1994; to transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services; to define terms; to provide powers and duties for the Director of Correctional Services; to eliminate powers of the Supreme Court and other courts as prescribed; to provide for substantially equal salaries for probation officers; to change powers of the probation administrator; to eliminate personnel provisions and powers of the Office of Probation Administration; to change duties of the Parole Administrator; to change provisions relating to parole; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-2249, 29-2249.04, and 29-2250, Reissue Revised Statutes of Nebraska, and section 29-2262.05, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 882. Introduced by Fisher, 35; Lindsay, 9.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-123, Reissue Revised Statutes of Nebraska; to change provisions relating to similar names; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 883. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2315.02 and 29-2318, Reissue Revised Statutes of Nebraska, and sections 29-2306 and 29-2315.01, Revised Statutes Supplement, 1994; to change provisions relating to appeals and costs; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to change duties of the Attorney General; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 386	Thursday, January 26, 1995	1:30 p.m.
LB 452	Thursday, January 26, 1995	1:30 p.m.
LB 412	Thursday, January 26, 1995	1:30 p.m.
LB 345	Thursday, January 26, 1995	1:30 p.m.
LB 118	Thursday, January 26, 1995	1:30 p.m.
LB 287	Thursday, January 26, 1995	1:30 p.m.
LB 300	Friday, January 27, 1995	1:30 p.m.
LB 413	Friday, January 27, 1995	1:30 p.m.
LB 282	Friday, January 27, 1995	1:30 p.m.
LB 377	Friday, January 27, 1995	1:30 p.m.
LB 294	Friday, January 27, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

LB 166	Thursday, January 26, 1995	1:30 p.m.
LB 117	Thursday, January 26, 1995	1:30 p.m.

Governor Appointments Thursday, January 26, 1995 1:30 p.m.
  State Personnel Board
    G. Roderic Anderson
    Christine M. Harris
  Accountability and Disclosure Commission
    Judy Tamisiea
    Charles J. Dougherty

LB 154	Friday, January 27, 1995	1:30 p.m.
LB 205	Friday, January 27, 1995	1:30 p.m.
LB 195	Friday, January 27, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LB 158	Thursday, January 26, 1995	1:30 p.m.
LB 190	Thursday, January 26, 1995	1:30 p.m.
LB 235	Thursday, January 26, 1995	1:30 p.m.
LB 271	Thursday, January 26, 1995	1:30 p.m.
LB 348	Thursday, January 26, 1995	1:30 p.m.
LB 336	Thursday, January 26, 1995	1:30 p.m.
LB 444	Thursday, January 26, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Matzke asked unanimous consent to have his name added as cointroducer to LB 694. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 418. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 19. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 115. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 31, LB 221, LB 379, and LB 472. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LR 21CA. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 556. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 19. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 31. No objections. So ordered.

Messrs. Schellpeper, Cudaback, Elmer, Hartnett, Robinson, and Mrs. Hudkins asked unanimous consent to have their names added as cointroducers to LB 590. No objections. So ordered.

WITHDRAW - Cointroducers

The General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Harnett, 45; Hudkins, 21; Robinson, 16 withdrew their names as cointroducers to LB 556.

VISITORS

Visitors to the Chamber were students from the University of Nebraska-Lincoln; and 27 college students and teacher from Hastings.

On January 18, 1995, visitors to the Chamber were Angela Martin from Kearney; and Mark McKeone from Cozad.

ADJOURNMENT

At 12:27 p.m., on a motion by Mr. Janssen, the Legislature adjourned until 9:00 a.m., Friday, January 20, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

ELEVENTH DAY - JANUARY 20, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Dr. John Louden, Eastridge Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Hall, Kristensen, Landis, Lindsay, Lynch, Robinson, Will, Mmes. Bohlke, McKenzie, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 332, strike line 24 and insert "on pages 224 and 225, to Rule 1, Section 1 and Rule 3, Section 7."
The Journal for the ninth day was approved as corrected.
The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 172 and 262 and the referral of legislative bills 435, 471 through 519 and legislative resolutions 30CA, 31CA, and 33CA.

LB	**Committee**
172	Health and Human Services
262	Health and Human Services
435	Judiciary
471	Judiciary

472	Judiciary
473	Banking, Commerce and Insurance
474	Judiciary
475	Judiciary
476	Urban Affairs
477	Banking, Commerce and Insurance
478	Business and Labor
479	Business and Labor
480	Natural Resources
481	Transportation
482	Government, Military and Veterans Affairs
483	Revenue
484	Natural Resources
485	Health and Human Services
486	Government, Military and Veterans Affairs
487	Judiciary
488	Revenue
489	Banking, Commerce and Insurance
490	Revenue
491	Judiciary
492	Health and Human Services
493	Judiciary
494	Banking, Commerce and Insurance
495	Health and Human Services
496	Health and Human Services
497	Health and Human Services
498	Judiciary
499	Revenue
500	Education
501	Nebraska Retirement Systems
502	Nebraska Retirement Systems
503	Revenue
504	Business and Labor
505	Nebraska Retirement Systems
506	Government, Military and Veterans Affairs
507	Judiciary
508	Executive Board
509	Executive Board
510	Judiciary
511	Government, Military and Veterans Affairs
512	Banking, Commerce and Insurance
513	Judiciary
514	Government, Military and Veterans Affairs
515	Banking, Commerce and Insurance
516	Judiciary
517	Government, Military and Veterans Affairs
518	Transportation
519	Government, Military and Veterans Affairs

LR	**Committee**
30CA	Revenue
31CA	Revenue
33CA	Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Program Evaluation Committee
Nebraska Equal Opportunity Commission final report (Section 50-1212(2))

Social Services, Department of
Welfare Reform Act Implementation (LB 1224, 1994)

RESOLUTIONS

LEGISLATIVE RESOLUTION 8. Read. Considered.

LEGISLATIVE RESOLUTION 32. Read. Considered.

MR. BEUTLER PRESIDING

Mr. Chambers requested a division of the question to allow consideration of LR 8 and LR 32 separately.

The Chair sustained the division of the question.

LR 8 was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LR 32 was adopted with 35 ayes, 1 nay, 5 present and not voting, and 8 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE RESOLUTION 15. Read. Considered.

Mr. Schellpeper renewed his pending amendment, AM0002, found in the Journal on page 253.

The Schellpeper amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
FA2

In the "Resolve", strike "the square" and insert "any dance performed by any person in Nebraska"

Pending.

Mr. Schellpeper asked unanimous consent to pass over LR 15. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 331. Title read. Considered.

Mr. Hall offered the following amendment:
FA3

Add a $29 million appropriation to the budget of the University of Nebraska at Omaha for the purposes of establishing a college of engineering.

Mr. Hall withdrew his amendment.

Mmes. Hudkins and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 16. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LR 12CA

Mr. Schmitt renewed his pending motion, found in the Journal on page 258, to withdraw LR 12CA.

The Schmitt motion prevailed with 22 ayes, 0 nays, 21 present and not voting, and 6 excused and not voting.

EASE

The Legislature was at ease from 10:23 a.m. until 11:11 a.m.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 25. Placed on General File as amended.
Standing Committee amendment to LB 25:
AM0026

1. On page 6, strike beginning with the underscored colon in line 9 through "Adopt" in line 14 and insert "adopt".

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:
AM0024

1. On page 2, line 12, strike "one-year"; and in line 17, strike "a", show as stricken, and insert "an initial".

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendment to LB 214:

AM0023

1. Insert the following new section: "Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 26. Placed on General File.
LEGISLATIVE BILL 133. Placed on General File.
LEGISLATIVE BILL 134. Placed on General File.
LEGISLATIVE BILL 135. Placed on General File.
LEGISLATIVE BILL 268. Placed on General File.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 331. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointment Nebraska Oil and Gas Conservation Commission Thomas M. Sonntag	Friday, January 27, 1995	1:30 p.m.
LB 407	Friday, January 27, 1995	1:30 p.m.
LB 238	Friday, January 27, 1995	1:30 p.m.
LB 251	Friday, January 27, 1995	1:30 p.m.
LB 350	Friday, January 27, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Business and Labor

LB 58	Monday, January 30, 1995	1:30 p.m.
LB 77	Monday, January 30, 1995	1:30 p.m.
LB 216	Monday, January 30, 1995	1:30 p.m.
LB 291	Monday, January 30, 1995	1:30 p.m.
LB 334	Monday, January 30, 1995	1:30 p.m.
LB 540	Monday, January 30, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Agriculture

LB 87	Tuesday, January 31, 1995	1:30 p.m.
LB 105	Tuesday, January 31, 1995	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

General Affairs

LB 72	Monday, January 30, 1995	1:30 p.m.
LB 355	Monday, January 30, 1995	1:30 p.m.
LB 468	Monday, January 30, 1995	1:30 p.m.
LB 217	Monday, January 30, 1995	1:30 p.m.

Governor Appointments Monday, January 30, 1995 1:30 p.m.
Nebraska Arts Council
Mary Ann Harry
Donna Williams
Gail Yanney
Nebraska State Electrical Board
Riley George
Jon McCafferty
NE Advisory Committee on Compulsive Gambling
Frank McGill
Susan Parascand

(Signed) Stan Schellpeper, Chairperson

Nebraska Retirement Systems

LB 502	Friday, January 27, 1995	12:30 p.m.
LB 369	Friday, January 27, 1995	12:30 p.m.
LB 370	Friday, January 27, 1995	12:30 p.m.
LB 501	Friday, January 27, 1995	12:30 p.m.
LB 131	Friday, January 27, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

Judiciary

LB 177	Friday, January 27, 1995	1:30 p.m.
LB 222	Friday, January 27, 1995	1:30 p.m.
LB 297	Friday, January 27, 1995	1:30 p.m.
LB 318	Friday, January 27, 1995	1:30 p.m.
LB 396	Friday, January 27, 1995	1:30 p.m.
LB 472	Friday, January 27, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

Transportation

LB 157	Monday, January 30, 1995	1:30 p.m.
LB 253	Monday, January 30, 1995	1:30 p.m.
LB 323	Monday, January 30, 1995	1:30 p.m.
LB 424	Monday, January 30, 1995	1:30 p.m.
LB 461	Monday, January 30, 1995	1:30 p.m.
LB 481	Monday, January 30, 1995	1:30 p.m.
LB 363	Monday, January 30, 1995	1:30 p.m.
LB 254	Tuesday, January 31, 1995	1:30 p.m.
LB 462	Tuesday, January 31, 1995	1:30 p.m.
LB 464	Tuesday, January 31, 1995	1:30 p.m.
LB 465	Tuesday, January 31, 1995	1:30 p.m.
LB 467	Tuesday, January 31, 1995	1:30 p.m.
LB 541	Tuesday, January 31, 1995	1:30 p.m.
LB 620	Tuesday, January 31, 1995	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 361 and legislative resolution 27CA and the referral of legislative bills 520 through 650 and legislative resolutions 34CA through 38CA.

LB	Committee
361	Nebraska Retirement Systems
520	Judiciary
521	Nebraska Retirement Systems
522	Transportation
523	Education
524	Judiciary
525	Nebraska Retirement Systems
526	Education
527	Revenue
528	Nebraska Retirement Systems
529	Education
530	Government, Military and Veterans Affairs
531	Banking, Commerce and Insurance
532	Banking, Commerce and Insurance
533	Revenue
534	Natural Resources
535	Revenue
536	Banking, Commerce and Insurance
537	Government, Military and Veterans Affairs
538	Judiciary
539	Judiciary

540	Business and Labor
541	Transportation
542	Education
543	Education
544	Judiciary
545	Judiciary
546	Judiciary
547	Education
548	Revenue
549	Revenue
550	Judiciary
551	Judiciary
552	Natural Resources
553	Natural Resources
554	Natural Resources
555	Business and Labor
556	General Affairs
557	Agriculture
558	Health and Human Services
559	Revenue
560	Judiciary
561	Government, Military and Veterans Affairs
562	Nebraska Retirement Systems
563	Health and Human Services
564	Transportation
565	Banking, Commerce and Insurance
566	Government, Military and Veterans Affairs
567	Government, Military and Veterans Affairs
568	Government, Military and Veterans Affairs
569	Judiciary
570	Judiciary
571	Judiciary
572	Government, Military and Veterans Affairs
573	Government, Military and Veterans Affairs
574	Revenue
575	Urban Affairs
576	Natural Resources
577	Revenue
578	Health and Human Services
579	Natural Resources
580	Appropriations
581	Natural Resources
582	Natural Resources
583	Natural Resources
584	Natural Resources
585	Revenue
586	General Affairs
587	Appropriations
588	Judiciary

589	Government, Military and Veterans Affairs
590	General Affairs
591	Urban Affairs
592	Judiciary
593	Urban Affairs
594	Nebraska Retirement Systems
595	Transportation
596	Revenue
597	Judiciary
598	Judiciary
599	Banking, Commerce and Insurance
600	Education
601	Education
602	Judiciary
603	Judiciary
604	Education
605	Revenue
606	Revenue
607	Education
608	Urban Affairs
609	Government, Military and Veterans Affairs
610	Revenue
611	Health and Human Services
612	Government, Military and Veterans Affairs
613	Revenue
614	Banking, Commerce and Insurance
615	Banking, Commerce and Insurance
616	Banking, Commerce and Insurance
617	Judiciary
618	Education
619	Health and Human Services
620	Transportation
621	Education
622	Education
623	Education
624	Education
625	Education
626	Banking, Commerce and Insurance
627	Banking, Commerce and Insurance
628	Appropriations
629	Natural Resources
630	Revenue
631	Banking, Commerce and Insurance
632	Banking, Commerce and Insurance
633	Business and Labor
634	Natural Resources
635	Health and Human Services
636	Transportation
637	Health and Human Services

638	Education
639	Education
640	Natural Resources
641	Judiciary
642	Health and Human Services
643	Transportation
644	Government, Military and Veterans Affairs
645	Judiciary
646	Revenue
647	Judiciary
648	Revenue
649	Government, Military and Veterans Affairs
650	Appropriations

LR	**Committee**
27CA	Executive Board
34CA	Judiciary
35	Natural Resources
36CA	Government, Military and Veterans Affairs
37CA	Government, Military and Veterans Affairs
38CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 19, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Arfmann, William W. - Lincoln	Nebraska Association of Public Employees, AFSCME Local 61
Cavanaugh, James P. - Lincoln	Nebraska Fraternal Order of Police
Cline, Williams, Wright, Johnson & Oldfather	
Peterson, Alan E. - Lincoln	Central Interstate Low-Level Radioactive Waste Commission Media of Nebraska, Inc.
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Better Nebraska Association
Seglin, Steven G. - Lincoln	MCI Telecommunications Corporation
Wade, Rick G. - Lincoln	Nebraska Cooperative Council
Dutra, John P. - Overland Park, KS	DowElanco
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	AMERISTAR
Evans, Eric A. - Lincoln	Nebraska Advocacy Services, Inc.

Fischer, Thomas B. - Omaha	FirsTier Financial, Inc.
Funk, Christine - Lincoln	Planned Parenthood of Lincoln
Johnson, Dick - Lincoln	Associated Builders & Contractors, Inc.
Kelley, Michael - Omaha	(AMISUB) St. Joseph Hospital
	Big Red Keno Ltd.
	Bruce A. Cutshall
	Douglas County, Nebraska
	Eastern Nebraska Human Service Agency
	Horsemen's Benevolent & Protective Association
	Kelley & Lehan, P.C.
	Metro Area Transit
	Metropolitan Utilities District
	Nebraska Criminal Defense Attorneys Association
	Omaha Airport Authority
	The Central Nebraska Public Power & Irrigation District
	U.S. Ecology
	United Retailers Liquor Association of Nebraska
Knapp, Patricia, A. - Lincoln	Nebraska Farmers Union
	Nebraska Sugar Beet Growers Association
	Nebraska Wheat Growers Association
Lanz, Tom - Lincoln	Nebraska Bowhunters Association
Mills, Jack D. - Lincoln	Nebraska Association of County Officials
	Nebraska County Attorneys Association
Minor, Timothy H. - Long Grove, IL	CF Industries, Inc.
Moody, Randall - Lincoln	American Association of University Professors-UNL
	American National Bank
	Planned Parenthood of Lincoln
Morrissey, Spencer W. - Tecumseh	Brotherhood of Maintenance of Way Employees
Nelson, Craig L. - Lincoln	Nebraska Association of County Officials
Nuckolls, William C. - Fairbury	American Association of Retired Persons
Pappas, James E. - Lincoln	Ecova Corp.
	Millard Public Schools Etc.
	Northwestern Public Service
	UNO Faculty
Potter, Cara E. - Omaha	Kelley & Lehan, P.C.
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Alamo Rent-A-Car, Inc.
	Nebraska Securities Industry Association
	Omaha First Corporation
Ritchie, A. Jocelyn - Lincoln	Nebraska Advocacy Services, Inc.
Rogers, Carson H. - Lincoln	Nebraska Pork Producers Association, Inc.
Sands, David - Lincoln	National Audubon Society

Scarpello, Sam M. - Omaha	Nebraska State Council of Electrical Workers Omaha Federation of Labor
Schoenrock, Robert L. - Lincoln	Brotherhood of Maintenance of Way Employees
Seever, Samuel F. - Lincoln	Harris Laboratories, Inc.
Shaw, Timothy F. - Lincoln	Nebraska Advocacy Services, Inc.
Smith, Dwayne G. - Columbus	Loup River Public Power District
Stephens, Roy W. - Omaha	Missing Youth Foundation
Vickers, Tom - Lincoln	Nebraskans for Fair Gaming Laws Inc.
Watson, Carol S. - Lincoln	Lincoln Benefit Life Company
Wurster, Donald F. - Omaha	National Indemnity Company

MOTION - Withdraw LB 226

Mr. Hall moved to withdraw LB 226.

Laid over.

MOTION - Withdraw LB 819

Mr. Hall moved to withdraw LB 819.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 38 and LB 213. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 31. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 166. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jack Pollock and Tom Kokjer from Sidney.

The Doctor of the Day was Clarence Davis Jr. from Osceola.

ADJOURNMENT

At 11:12 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, January 23, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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TWELFTH DAY - JANUARY 23, 1995

LEGISLATIVE JOURNAL

TWELFTH DAY - JANUARY 23, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Nita Hayes, United Methodist Church, Holdrege, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Bromm, Hartnett, Jones, Kristensen, Landis, Lindsay, Lynch, Robinson, Schellpeper, Warner, Wesely, Will, Mses. Day, Schimek, and Mrs. Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

NOTICE OF COMMITTEE HEARINGS
Education

LB 290	Monday, January 30, 1995	1:30 p.m.
LB 360	Monday, January 30, 1995	1:30 p.m.
LB 445	Monday, January 30, 1995	1:30 p.m.
LB 431	Monday, January 30, 1995	1:30 p.m.
LB 432	Monday, January 30, 1995	1:30 p.m.
LB 149	Tuesday, January 31, 1995	1:30 p.m.
LB 335	Tuesday, January 31, 1995	1:30 p.m.
LB 433	Tuesday, January 31, 1995	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 8 and LR 32.

SELECT FILE

LEGISLATIVE BILL 331. Advanced to E & R for engrossment.

MOTION - Withdraw LB 226

Mr. Hall renewed his pending motion, found in the Journal on page 445, to withdraw LB 226.

The Hall motion prevailed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

MOTION - Withdraw LB 819

Mr. Hall renewed his pending motion, found in the Journal on page 445, to withdraw LB 819.

The Hall motion prevailed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 25. Title read. Considered.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0026, found in the Journal on page 437, was considered.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 29:

Beutler
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Fisher
Hillman
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 9:

Bernard-Stevens
Chambers
Engel
Hall
Hartnett
Pedersen
Pirsch
Preister
Robak

Present and not voting, 4:

Brashear
Crosby
McKenzie
Schmitt

Excused and not voting, 7:

Abboud
Avery
Bohlke
Hudkins
Lindsay
Lynch
Will

The Standing Committee amendment was adopted with 29 ayes, 9 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Ms. Day, Messrs. Wehrbein, Landis, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 326	Monday, January 30, 1995	1:30 p.m.
LB 333	Monday, January 30, 1995	1:30 p.m.
LB 425	Monday, January 30, 1995	1:30 p.m.
LB 494	Monday, January 30, 1995	1:30 p.m.
LB 191	Tuesday, January 31, 1995	1:30 p.m.
LB 339	Tuesday, January 31, 1995	1:30 p.m.
LB 384	Tuesday, January 31, 1995	1:30 p.m.
LB 397	Tuesday, January 31, 1995	1:30 p.m.
LB 614	Tuesday, January 31, 1995	1:30 p.m.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LB 56	Monday, January 30, 1995	12:30 p.m.
LB 351	Monday, January 30, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 331.

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 48. Introduced by Wehrbein, 2; Hillman, 48; Wickersham, 49; Schimek, 27; Crosby, 29; Engel, 17.

WHEREAS, the Nebraska Educational Telecommunications Commission employs an impressive variety of television and radio broadcast and non-broadcast technologies to serve the residents of this state; and

WHEREAS, the commission is a major cultural and educational resource serving and unifying Nebraska residents of all ages and locations; and

WHEREAS, the commission is widely recognized as both the pioneer employer of educational communications technologies and one of the premiere statewide educational and public telecommunications systems in the United States; and

WHEREAS, the commission assists every Nebraska educational sector and institution, public and private, in providing quality teaching and learning and making education more readily accessible; and

WHEREAS, the commission brings a wide variety of national, international, and Nebraska-produced programs to the schools and homes of this state, as well as repeatedly brings national recognition to Nebraska; and

WHEREAS, the commission is the only entity, public or private, with both the capability to provide picture and sound throughout Nebraska and the responsibility to employ that capacity to pursue educational equity, maintain educational quality, and provide responsible and constructive programming for the people of Nebraska; and

WHEREAS, the commission provides on a daily basis children's, cultural, public affairs, informational, and distance-learning programs of impressive substance and quality; and

WHEREAS, the commission employs an appropriate and interdependent mix of state, federal, and private funding to address this important mission on behalf of the people of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Nebraska Educational Telecommunications Commission for forty years of exemplary service, and urges the Congress of the United States, in partnership with the people of Nebraska, to continue critical support of educational and public telecommunications and the national public broadcasting organizations providing programs of significant quality to rural and urban residents alike, which are of particular importance as Nebraska and the nation move increasingly into the information age and the next century.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 48 was referred to the Reference Committee.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 17. Placed on General File as amended.
Standing Committee amendment to LB 17:
AM0014

1. On page 5, line 18, reinstate the stricken matter; and in lines 19 through 28 strike the new matter.

2. On page 6, lines 1 and 2, strike the new matter.

LEGISLATIVE BILL 49. Placed on General File as amended.
Standing Committee amendment to LB 49:
AM0018

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 167. Placed on General File as amended.
Standing Committee amendment to LB 167:
AM0019

1. On page 2, line 21, strike "three months" and insert "ten days".

LEGISLATIVE BILL 202. Placed on General File as amended.
Standing Committee amendment to LB 202:
AM0032

1. Insert the following new sections:

"Section 1. Section 33-110, Reissue Revised Statutes of Nebraska, is amended to read:

33-110. County clerks shall receive no fee for the performance of the following services: For issuing certificates of election; for performing the duties of clerk of the county board; for taking acknowledgments of claims against the county; for attesting or certifying any document authorized by the county board or required by the departments of the state; or for recording Army or Navy discharges or furnishing certified copies thereof to be used in connection with any claim for compensation or disability. A charge of twenty-five cents shall be made for ~~each~~ any other certificate and seal ~~not herein excepted. Such~~ unless otherwise provided. The fees collected shall be credited to the county general fund.

County clerks shall receive a fee of ~~ten~~ fifteen dollars for the entire proceedings of issuing a marriage license, administering the related oaths or affirmations, and recording a marriage certificate. An additional fee of five dollars shall be made for each certified copy of a marriage record on file in the office of the county clerk. Both such fees shall be deposited in the county general fund.

Sec. 2. Section 77-1804, Revised Statutes Supplement, 1994, is amended to read:

77-1804. The county treasurer shall cause the list of real property subject to sale and accompanying notice to be published once a week for three consecutive weeks prior to the date of sale, commencing the first week in February, in a legal newspaper and, in counties having more than two hundred fifty thousand inhabitants, in a daily legal newspaper of general circulation, published in the English language in the county, and designated by the county board. The county treasurer shall also cause to be posted in some conspicuous place in his or her office a copy of such notice. The treasurer shall assess against each description the sum of ~~two~~ five dollars to defray the expenses of advertising, which sum shall be added to the total amount due on such real property and be collected in the same manner as taxes are collected.".

2. On page 2, line 16, after "section" insert "33-101, Reissue Revised Statutes of Nebraska, and sections 77-1804 and"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 153. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 4CA. Placed on General File.

LEGISLATIVE BILL 28. Placed on General File.

LEGISLATIVE BILL 39. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendment, AM0024, found in the Journal on page 437, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 214. Title read. Considered.

Standing Committee amendment, AM0023, found in the Journal on page 437, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 135. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 268. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

The Committee on Judiciary desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Crime Victims Reparation Committee
  Colonel Ronald Tussing
  James J. Riskowski
  Catherine A. Walters

VOTE: Aye: Senators Lindsay, Fisher, Hall, Hudkins, Pedersen, and Robak. Nay: none. Absent: Senators Abboud and Chambers.

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Parole Board
  Ronald Bartee

VOTE: Aye: Senators Lindsay, Chambers, Fisher, Hudkins, Pedersen, and Robak. Nay: none. Absent: Senators Abboud and Hall.

LEGISLATIVE RESOLUTION 1CA. Placed on General File.
LEGISLATIVE RESOLUTION 21CA. Placed on General File.

LEGISLATIVE BILL 22. Placed on General File.
LEGISLATIVE BILL 52. Placed on General File.
LEGISLATIVE BILL 127. Placed on General File.

LEGISLATIVE BILL 234. Placed on General File.

LEGISLATIVE BILL 19. Placed on General File as amended.
Standing Committee amendment to LB 19:
AM0033

1. Insert the following new sections:

"Sec. 2. This act becomes operative on July 1, 1995.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendment to LB 90:
AM0009

1. On page 2, strike beginning with "arising" in line 4 through "cases" in line 5 and show the old matter as stricken.

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendment to LB 161:
AM0029

1. On page 2, line 18, after the underscored period insert "In an action involving a petitioner under nineteen years of age who has a noncustodial parent, notice of the filing of the petition shall be sent by certified mail within five days after publication to the noncustodial parent at the address provided to the clerk of the district court pursuant to subsection (1) of section 42-364.13 for the noncustodial parent if he or she has provided an address. The clerk of the district court shall provide the petitioner with the address upon request.".

LEGISLATIVE BILL 175. Placed on General File as amended.
Standing Committee amendment to LB 175:
AM0012

1. On page 2, line 8, reinstate the stricken comma; strike beginning with "accompanied" in line 8 through "then" in line 11; and in line 15 after the period insert "plaintiff shall comply with the Disposition of Personal Property Landlord and Tenant Act in the removal of personal property remaining on the premises at the time possession of the premises is restored".

LEGISLATIVE RESOLUTION 9CA. Indefinitely postponed.

LEGISLATIVE BILL 84. Indefinitely postponed.
LEGISLATIVE BILL 223. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Ms. Day asked unanimous consent to have her name added as cointroducer to LB 859. No objections. So ordered.

UNANIMOUS CONSENT - Announcement

Mr. Abboud asked unanimous consent for the Business and Labor Committee to hold their public hearing in Room 1520, rather than in Room 2102, on Monday, January 30, 1995. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 students and teacher from Christian Home Schoolers, Fremont.

ADJOURNMENT

At 12:00 noon, on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTEENTH DAY - JANUARY 24, 1995

LEGISLATIVE JOURNAL

THIRTEENTH DAY - JANUARY 24, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Carol Roettmer-Brewer, South Gate Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Coordsen, Dierks, Landis, Lindsay, Wickersham, Will, Ms. Day, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 102 and the referral of legislative bills 651 through 729.

LB	**Committee**
102	Banking, Commerce and Insurance
651	Education
652	Government, Military and Veterans Affairs
653	Government, Military and Veterans Affairs
654	Health and Human Services
655	Business and Labor
656	Judiciary
657	Judiciary

658	Health and Human Services
659	Health and Human Services
660	Judiciary
661	Judiciary
662	Judiciary
663	Revenue
664	Education
665	Urban Affairs
666	Urban Affairs
667	Banking, Commerce and Insurance
668	Natural Resources
669	Government, Military and Veterans Affairs
670	Education
671	Agriculture
672	Revenue
673	Banking, Commerce and Insurance
674	Education
675	Revenue
676	Nebraska Retirement Systems
677	Revenue
678	Judiciary
679	Banking, Commerce and Insurance
680	Health and Human Services
681	Banking, Commerce and Insurance
682	Revenue
683	Banking, Commerce and Insurance
684	Health and Human Services
685	Natural Resources
686	Transportation
687	General Affairs
688	General Affairs
689	Banking, Commerce and Insurance
690	Health and Human Services
691	Judiciary
692	Revenue
693	Revenue
694	Health and Human Services
695	Judiciary
696	Transportation
697	Judiciary
698	Health and Human Services
699	Business and Labor
700	Nebraska Retirement Systems
701	Nebraska Retirement Systems
702	Nebraska Retirement Systems
703	Health and Human Services
704	Health and Human Services
705	Health and Human Services
706	Revenue

707	Revenue
708	Education
709	Nebraska Retirement Systems
710	Nebraska Retirement Systems
711	Banking, Commerce and Insurance
712	Health and Human Services
713	Transportation
714	Transportation
715	Transportation
716	Education
717	Urban Affairs
718	Agriculture
719	Government, Military and Veterans Affairs
720	Appropriations
721	Judiciary
722	Appropriations
723	Nebraska Retirement Systems
724	Revenue
725	Banking, Commerce and Insurance
726	Health and Human Services
727	Judiciary
728	Executive Board
729	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. Read. Considered.

Mr. Chambers requested a record vote on the advancement of the resolution.

Voting in the affirmative, 30:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Elmer
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Withem

Voting in the negative, 8:

Chambers
Coordsen
Crosby
Hall
Preister
Robak
Warner
Witek

Present and not voting, 4:

Cudaback
Hartnett
Matzke
Schrock

Excused and not voting, 7:

Abboud
Bernard-Stevens
Day
Dierks
Lindsay
Wickersham
Will

Advanced to E & R for review with 30 ayes, 8 nays, 4 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 1CA. Read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 39:

Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Bohlke
Schimek

Excused and not voting, 7:

Abboud
Bernard-Stevens
Dierks
Kristensen
Lindsay
Wickersham
Will

Advanced to E & R for review with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 21CA. Read. Considered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek

Voting in the negative, 3:

Chambers
Hall
Lynch

Present and not voting, 2:

Schimek
Withem

Excused and not voting, 4:

Abboud
Kristensen
Wickersham
Will

Advanced to E & R for review with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Education

LB 639 Tuesday, January 31, 1995 1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LB 42	Tuesday, January 31, 1995	1:30 p.m.
LB 280	Tuesday, January 31, 1995	1:30 p.m.
LB 346	Tuesday, January 31, 1995	1:30 p.m.
LB 666	Tuesday, January 31, 1995	1:30 p.m.
LB 470	Tuesday, January 31, 1995	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Nebraska Retirement Systems

LB 361	Tuesday, January 31, 1995	12:30 p.m.
LB 562	Tuesday, January 31, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 159. Placed on General File.

LEGISLATIVE BILL 34. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 17. Title read. Considered.

Standing Committee amendment, AM0014, found in the Journal on page 450, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Standing Committee amendment, AM0018, found in the Journal on page 450, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 167. Title read. Considered.

Standing Committee amendment, AM0019, found in the Journal on page 451, was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 202. Title read. Considered.

Standing Committee amendment, AM0032, found in the Journal on page 451, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 28. Title read. Considered.

MR. HALL PRESIDING

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 22. Title read. Considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Mr. Bromm and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to E & R for review with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

SPEAKER WITHEM PRESIDING

The Chair declared the call raised.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 52. Title read. Considered.

Messrs. Jones, Elmer, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 127. Title read. Considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Wesely and Schmitt asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 234. Title read. Considered.

Messrs. Beutler and Dierks asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 239. Placed on General File.
LEGISLATIVE BILL 240. Placed on General File.

(Signed) Chris Abboud, Chairperson

Natural Resources

LEGISLATIVE BILL 48. Placed on General File.
LEGISLATIVE BILL 60. Placed on General File.
LEGISLATIVE BILL 274. Placed on General File.

(Signed) Chris Beutler, Chairperson

General Affairs

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendment to LB 343:
AM0044

1. On page 5, line 21, after "videotape" insert "with an audio track".

2. On page 13, strike beginning with "and" in line 1 through "relationships" in line 2.

LEGISLATIVE RESOLUTION 24CA. Placed on General File as amended.
Standing Committee amendment to LR 24CA:
AM0043

1. On page 2, line 28, after "horseraces" insert "by the parimutuel method".

(Signed) Stan Schellpeper, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File as amended.
E & R amendment to LB 1:
AM7001

1. Insert the following new section:

"Sec. 11. Section 48-630, Reissue Revised Statutes of Nebraska, is amended to read:

48-630. A determination upon a claim filed pursuant to section 48-629 shall be made promptly by a representative designated by the commissioner, hereinafter referred to as a deputy, and shall include a statement as to whether and in what amount claimant is entitled to benefits for the week with respect to which the determination is made and, in the event of a denial, shall state the reasons therefor. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages required under subdivision (5) of section 48-627, ~~(e),~~ and, if so, the first day of the benefit year, his or her weekly benefit amount, and the maximum total amount of benefits payable to him or her with respect to such benefit year. Any benefits to which a claimant has been found eligible shall not be withheld because of the filing of an appeal under section 48-634 and such benefits shall be paid until the appeal tribunal has rendered its decision modifying or reversing the determination allowing such benefits if the claimant is otherwise eligible. Any benefits received by any person to which, under a redetermination or decision pursuant to sections 48-630 to 48-640, he or she has been found not entitled shall be treated as excessive payments in accordance with the provisions of section 48-665. Whenever any claim involves the application of the provisions of subdivision (4) of section 48-628, ~~(d),~~ the deputy shall promptly transmit his or her full findings of fact, with respect to that subdivision, to the commissioner, who, on the basis of the evidence submitted and such additional evidence as he or she may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issue involved under the subdivision, which shall be deemed to be the decision of the deputy. All claims arising out of the same alleged labor dispute may be considered at the same time. The parties shall be promptly notified of the determination, together with the reasons therefor, and such determination shall be deemed to be the final decision on the claim, unless an appeal is filed with the appeal tribunal in the manner prescribed in section 48-634.".

2. On page 1, line 2; and page 33, line 4, after "48-628.03" add ", 43-630".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 2. Placed on Select File as amended.
E & R amendment to LB 2:
AM7000

1. On page 1, lines 3 and 4; and page 2, line 2, strike "Revised Statutes Supplement, 1994" and insert "Reissue Revised Statutes of Nebraska".

LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.

LEGISLATIVE BILL 5. Placed on Select File as amended.
E & R amendment to LB 5:
AM7002

1. On page 38, line 12, strike "federal".

LEGISLATIVE BILL 6. Placed on Select File.

LEGISLATIVE BILL 7. Placed on Select File as amended.
E & R amendment to LB 7:
AM7003

1. Strike original sections 71 and 72.

2. On page 1, line 10, strike "71-1,257, 71-1,268,".

3. On page 64, line 21, strike "The", show as stricken, and insert "On and after July 1, 1998, the".

4. On page 79, line 22, strike the new matter and before "Youth" insert "federal".

5. On page 82, line 20; and page 109, line 24, reinstate the stricken comma.

6. On page 108, line 3, strike "fund." and show the old matter as stricken.

7. On page 123, line 13, strike "71-1,257,"; and in line

14 strike "71-1,268,".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 8. Placed on Select File.

LEGISLATIVE BILL 9. Placed on Select File as amended.
E & R amendment to LB 9:
AM7004

1. On page 1, line 3, after the semicolon insert "to eliminate obsolete language relating to a reimbursement;".

LEGISLATIVE BILL 10. Placed on Select File.
LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 12. Placed on Select File.
LEGISLATIVE BILL 13. Placed on Select File.
LEGISLATIVE BILL 14. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Governor Appointment Michael Haller - Rural Health Advisory Commission	Wednesday, February 1, 1995	1:30 p.m.
LB 495	Wednesday, February 1, 1995	1:30 p.m.
LB 637	Wednesday, February 1, 1995	1:30 p.m.
LB 206	Wednesday, February 1, 1995	1:30 p.m.
LB 635	Wednesday, February 1, 1995	1:30 p.m.
LB 174	Wednesday, February 1, 1995	1:30 p.m.
LB 448	Thursday, February 2, 1995	1:30 p.m.
LB 449	Thursday, February 2, 1995	1:30 p.m.
LB 563	Thursday, February 2, 1995	1:30 p.m.
LB 460	Thursday, February 2, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Executive Board

LR 27CA	Tuesday, January 31, 1995	12:00 noon
LB 307	Tuesday, January 31, 1995	12:00 noon

(Signed) Tim Hall, Chairperson

MOTION - Withdraw LB 324

Mr. Schrock moved to withdraw LB 324.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 228, LB 371, LB 414, and LB 735. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 572. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 530. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 828, LB 829, and LB 830. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 572. No objections. So ordered.

WITHDRAW - Cointroducers

Messrs. Hartnett and Lynch withdrew their names as cointroducers to LB 798.

VISITORS

Visitors to the Chamber were Don Schmidt from the University of Nebraska Medical Center; and Carl Kamprath from Lincoln.

The Doctor of the Day was Mark Ptacek from O'Neill.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Pedersen, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTEENTH DAY - JANUARY 25, 1995

LEGISLATIVE JOURNAL

FOURTEENTH DAY - JANUARY 25, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Lee Spitzer, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Chambers, Coordsen, Kristensen, Landis, Lindsay, Schrock, Warner, Wesely, Will, Mrs. Brown, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 423 and the referral of legislative bills 730 through 818, 820 through 835, and legislative resolutions 39CA through 48.

LB	**Committee**
423	Judiciary
730	Judiciary
731	Natural Resources
732	Revenue
733	Education
734	Banking, Commerce and Insurance
735	Education

736	Nebraska Retirement Systems
737	Education
738	Urban Affairs
739	Health and Human Services
740	Education
741	Education
742	Education
743	Revenue
744	Revenue
745	Revenue
746	Judiciary
747	Health and Human Services
748	Banking, Commerce and Insurance
749	Health and Human Services
750	Judiciary
751	Transportation
752	Health and Human Services
753	Judiciary
754	Education
755	Judiciary
756	Urban Affairs
757	Government, Military and Veterans Affairs
758	Judiciary
759	Business and Labor
760	Revenue
761	Education
762	General Affairs
763	Health and Human Services
764	Natural Resources
765	General Affairs
766	Transportation
767	General Affairs
768	General Affairs
769	Transportation
770	Revenue
771	Revenue
772	Government, Military and Veterans Affairs
773	Banking, Commerce and Insurance
774	Banking, Commerce and Insurance
775	Judiciary
776	Judiciary
777	Health and Human Services
778	Judiciary
779	Judiciary
780	Education
781	Urban Affairs
782	Urban Affairs
783	Urban Affairs
784	Judiciary

785	Education
786	Education
787	Judiciary
788	Banking, Commerce and Insurance
789	Government, Military and Veterans Affairs
790	Revenue
791	Revenue
792	Revenue
793	Banking, Commerce and Insurance
794	Revenue
795	Revenue
796	Appropriations
797	Judiciary
798	Government, Military and Veterans Affairs
799	Transportation
800	Business and Labor
801	Revenue
802	Education
803	Natural Resources
804	Urban Affairs
805	Urban Affairs
806	Urban Affairs
807	Government, Military and Veterans Affairs
808	Revenue
809	General Affairs
810	Business and Labor
811	Agriculture
812	Judiciary
813	Transportation
814	Transportation
815	Transportation
816	Banking, Commerce and Insurance
817	General Affairs
818	Education
820	Government, Military and Veterans Affairs
821	Business and Labor
822	Revenue
823	Government, Military and Veterans Affairs
824	Health and Human Services
825	Health and Human Services
826	Urban Affairs
827	Judiciary
828	Natural Resources
829	Revenue
830	Revenue
831	Transportation
832	Health and Human Services
833	Revenue
834	Health and Human Services

835	Banking, Commerce and Insurance

LR	**Committee**
39CA	Revenue
40CA	Agriculture
41CA	Transportation
42CA	Revenue
43CA	General Affairs
44CA	Education
45CA	General Affairs
46CA	Government, Military and Veterans Affairs
47CA	Education
48	Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LR 6CA	Wednesday, February 1, 1995	1:30 p.m.
LR 22CA	Wednesday, February 1, 1995	1:30 p.m.
LR 23CA	Wednesday, February 1, 1995	1:30 p.m.
LB 337	Wednesday, February 1, 1995	1:30 p.m.
LB 519	Thursday, February 2, 1995	1:30 p.m.
LR 17CA	Thursday, February 2, 1995	1:30 p.m.
LR 38CA	Thursday, February 2, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

MESSAGE FROM THE GOVERNOR

January 24, 1995

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature Susan Thomas has asked that her name be withdrawn for confirmation as a member of the Child Abuse Prevention Fund Board.

Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Suspend Rules

Mr. Wehrbein moved to suspend the Rules, Rule 6, Section 7 (b), to permit Final Reading of LB 331.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 331. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to provide for a deficit appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 5:

Chambers
Kristensen
Landis
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendment, AM7001, found in the Journal on page 464, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 2. E & R amendment, AM7000, found in the Journal on page 465, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 3. Advanced to E & R for engrossment.
LEGISLATIVE BILL 4. Advanced to E & R for engrossment.

LEGISLATIVE BILL 5. E & R amendment, AM7002, found in the Journal on page 465, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 6. Advanced to E & R for engrossment.

LEGISLATIVE BILL 7. E & R amendment, AM7003, found in the Journal on page 465, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 8. Advanced to E & R for engrossment.

LEGISLATIVE BILL 9. E & R amendment, AM7004, found in the Journal on page 466, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 10. Advanced to E & R for engrossment.
LEGISLATIVE BILL 11. Advanced to E & R for engrossment.
LEGISLATIVE BILL 12. Advanced to E & R for engrossment.
LEGISLATIVE BILL 13. Advanced to E & R for engrossment.
LEGISLATIVE BILL 14. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 234. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 13 nays, and 28 not voting.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 7 nays, and 23 not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Mrs. Witek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Bernard-Stevens
Brashear
Chambers
Crosby
Cudaback
Day
Elmer
Hall
Hillman
Landis
Lindsay
Lynch
Matzke
McKenzie
Robak
Robinson
Schimek
Wesely
Wickersham
Withem

Voting in the negative, 23:

Abboud
Avery
Beutler
Bohlke
Bromm
Coordsen
Dierks
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Pirsch
Preister
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Present and not voting, 5:

Brown
Hartnett
Maurstad
Pedersen
Schmitt

Excused and not voting, 1:

Will

Failed to advance to E & R for review with 20 ayes, 23 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 169. Placed on General File as amended.
Standing Committee amendment to LB 169:
AM0038

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Merton L. Dierks, Chairperson

Transportation

LEGISLATIVE BILL 80. Placed on General File.
LEGISLATIVE BILL 186. Placed on General File.

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendment to LB 59:
AM0042

1. Insert the following new section:

"Sec. 6. Section 60-6,230, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,230. (1) Except as provided in sections 60-6,231 to 60-6,233 and ~~subsection (4)~~ subsections (4) and (5) of this section, no person shall operate any motor vehicle or any equipment of any description on any highway in this state with any rotating or flashing light.

(2) Except for stop lights and directional signals, which may be red, yellow, or amber, no person shall display any color of light other than red on the rear of any motor vehicle or any equipment of any kind on any highway within this state.

(3) Blue and green lights may be displayed on vehicles of the Military Department for purpose of convoy control when on any state emergency mission.

(4) A single flashing white light may be displayed on the roof of school transportation vehicles during extremely adverse weather conditions.

(5) Blue and amber rotating or flashing lights may be displayed on vehicles used for the movement of snow when operated by the Department of Roads or any local authority.".

2. On page 7, line 12, after "60-6,227," insert "60-6,230,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 82. Placed on General File as amended.
Standing Committee amendment to LB 82:
AM0045

1. On page 4, line 10, after "pieces" insert "or vehicles".

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 76. Placed on General File.
LEGISLATIVE BILL 96. Placed on General File.

LEGISLATIVE BILL 163. Placed on General File as amended.
Standing Committee amendment to LB 163:
AM0021

1. On page 10, line 5, after "borrowers" insert ", if the licensee services mortgage loans" and strike "a" and insert "such".

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 828	Wednesday, February 1, 1995	1:30 p.m.
LB 554	Wednesday, February 1, 1995	1:30 p.m.
LB 581	Wednesday, February 1, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Revenue

LB 559	Wednesday, February 1, 1995	1:30 p.m.
LB 248	Wednesday, February 1, 1995	1:30 p.m.
LB 276	Wednesday, February 1, 1995	1:30 p.m.
LB 829	Wednesday, February 1, 1995	1:30 p.m.
LB 830	Wednesday, February 1, 1995	1:30 p.m.
LB 277	Thursday, February 2, 1995	1:30 p.m.
LB 272	Thursday, February 2, 1995	1:30 p.m.
LB 257	Thursday, February 2, 1995	1:30 p.m.
LB 503	Thursday, February 2, 1995	1:30 p.m.
LB 210	Thursday, February 2, 1995	1:30 p.m.
LB 430	Thursday, February 2, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 15. Placed on Select File as amended.
E & R amendment to LB 15:
AM7005

1. Insert the following new sections:

"Section 1. Section 81-1101, Reissue Revised Statutes of Nebraska, is amended to read:

81-1101. The purposes of sections 11-119, 81-106, 81-1101 to 81-1118, 81-1121, ~~81-1122,~~ 81-1170.01, 81-1170.02, and 84-304 are to:

(1) Provide for the development and maintenance of a modern system of budgetary, inventory, and financial accounting;

(2) Provide for development and maintenance of such modern and economical methods and systems for record keeping, accounting, expenditure planning and control as may be possible through timely adoption of modern technological developments;

(3) Provide for centralized direction of services and service agencies;

(4) Assure the development and operation of organizational and procedural innovations as may be expected to provide acceptable internal control of the handling and processing of public funds; and

(5) Focus responsibility for execution of the financial policies of this state on the chief executive and provide assistants having the necessary technical skills for the achievement of that end.

Sec. 2. Section 81-1102, Reissue Revised Statutes of Nebraska, is amended to read:

81-1102. For purposes of sections 11-119, 81-106, 81-1101 to 81-1118, 81-1121, ~~81-1122,~~ 81-1170.01, 81-1170.02, and 84-304, unless the context otherwise requires:

(1) Gender with reference to the masculine or feminine gender shall be construed to apply to either or both genders;

(2) Executive budget shall mean the budget proposed by the Governor to the Legislature as the basis of appropriations for the operation of and capital outlay by state government during the period covered by such budget;

(3) Approved budget shall mean the executive or Governor's budget as modified by appropriations actions of the Legislature;

(4) Budgetary allotments shall mean the plan of expenditures, by program, subprogram, activity, or object of expenditure under the approved budget for monthly or other applicable periods of time within each fiscal year, to which a department or agency may be held during such period of time within the fiscal year;

(5) Accrual system shall mean the recording of revenue when earned and the recording of expenditures as soon as they result in liabilities, notwithstanding the fact that the receipt of the revenue or payment of the expenditure may take place, in whole or in part, in another accounting period;

(6) Double entry system shall mean a system of bookkeeping which requires for every entry made to the debit side of an account or accounts an entry for a corresponding amount or amounts to the credit side of another account or accounts resulting in a self-balancing accounting system;

(7) Disbursement shall mean payment from the state treasury;

(8) Expenditure shall mean, when an accrual system has been established, total liability incurred by contract, purchase order, or payroll commitments or as otherwise provided by law, whether or not related disbursement has been made from the state treasury, and shall mean, until an accrual system has been established, disbursements from the state treasury;

(9) Revenue shall mean, when an accrual system has been established, additions to assets which do not increase any liability or represent the recovery of an expenditure or disbursement or any part thereof or the cancellation of liabilities without a corresponding increase in other liabilities or a decrease in assets. Until an accrual system has been established, this term shall mean additions to cash in the state treasury or for deposit in the state treasury only;

(10) Receipts shall mean cash received, unless otherwise qualified;

(11) Budgetary accounting shall mean a system of accounts designed to reflect budget operations and conditions such as estimated revenue, appropriations, and encumbrances as distinct from proprietary accounts designed to show the status of the assets, liabilities, and surplus of the state and its departments and agencies;

(12) Encumbrances shall mean charges to appropriation accounts to reflect obligations for which a part of the appropriation is reserved and which shall cease to be encumbrances when paid or when an actual liability is established in a proprietary account;

(13) Financing agreement shall mean any bond, lease-purchase obligation, installment sales contract, or similar financial arrangement, for a period greater than one year, which is entered into by the state or any agency, board, or commission thereof, not including the University of Nebraska or state colleges, in accordance with the Constitution of Nebraska and statutes of this state;

(14) Proprietary account shall mean those accounts designed to show actual financial position and operations such as actual assets, liabilities, surplus, revenue, and expenditures, as

distinguished from budgetary accounts;

(15) Program shall mean a major operation of the state government directed toward the achievement of a definite legal objective and which, in most instances, could be carried on independently of other major operations of the state as defined and described in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(16) Subprogram shall mean one or more operations of a department or agency of the state designed jointly to accomplish a major program objective as defined in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(17) Activity shall mean one or more operations of a department or agency of the state designed jointly to accomplish the objective of a subprogram to which it is related as defined in the accounting and budgeting manual on file in the office of the Director of Administrative Services;

(18) Staffing pattern shall mean the number of positions in each class and the specific classes of positions as may be authorized for each department or agency for such department or agency programs, subprograms, and activities;

(19) Approved project shall mean any acquisition of land or buildings, any construction or major remodeling of new or newly acquired buildings or structures or of existing state-owned buildings or structures, excluding state highways or state roads or aeronautical projects, or any additions to buildings or structures of land owned by the state or its departments or agencies for which an appropriation or other act of the Legislature makes provision;

(20) Machine time shall mean the hours or fractions thereof of operation of each component of a machine data processing system together with the hours or fractions thereof of machine operator time for each such component devoted to the production of a report or tabulation or the processing of data necessary to such production and shall also include a proportional reflection of the hours or fractions thereof of supervisory time so that all costs of operation of the data processing service division may be reflected in billings to benefiting departments or agencies;

(21) Budget request shall mean the complete recitation, on forms prescribed by the budget division and in the manner prescribed by such division, of the operating and construction funds requests of a department or agency for the biennium next following the then current biennium;

(22) Department shall mean the Department of Administrative Services; and

(23) Director shall mean the Director of Administrative Services.

Sec. 3. Section 81-1109, Reissue Revised Statutes of Nebraska, is amended to read:

81-1109. The Director of Administrative Services shall be responsible to the Governor for provision of technical assistance, advice, and information concerning the financial and administrative operations of all agencies of the state, for provision of technical assistance and advice on the preparation of the Governor's budget, otherwise referred to in sections 11-119, 81-106, 81-1101 to 81-1118, 81-1121, ~~81-1122,~~ 81-1170.01, 81-1170.02, and 84-304 as the executive budget, and for administration of the approved budget within the limits of appropriations provided except as otherwise provided by law. He or she shall be responsible to the Governor for the provision of current reports of the financial condition of the state and each of its departments and agencies and for the provision of timely recommendations for dealing with financial, management, and organizational problems affecting the administration of the business of the state~~,~~ and its departments and agencies.".

2. On page 1, line 1, strike "section" and insert "sections 81-1101, 81-1102, 81-1109, and"; and in line 7 strike "section" and insert "sections".

3. On page 2, line 16, strike "section" and insert "sections 81-1101, 81-1102, 81-1109, and"; and in line 17 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 16. Placed on Select File.
LEGISLATIVE BILL 25. Placed on Select File.
LEGISLATIVE BILL 173. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File as amended.
E & R amendment to LB 214:
AM7006

1. On page 1, line 4, strike "and"; and in line 5 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 26. Placed on Select File.
LEGISLATIVE BILL 133. Placed on Select File.
LEGISLATIVE BILL 134. Placed on Select File.
LEGISLATIVE BILL 135. Placed on Select File.
LEGISLATIVE BILL 268. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 331.

GENERAL FILE

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendment, AM0033, found in the Journal on page 454, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem offered the following amendment:
AM0060

1. On page 2, line 13, strike "One" and insert "Until July 1, 1996, one"; in line 15 strike "at least"; and in line 17 after "inhabitants" insert ", and on and after July 1, 1996, two judges in counties having seventy-five thousand inhabitants but less than four hundred thousand inhabitants".

Mr. Withem withdrew his amendment.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Messrs. Vrtiska and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendment, AM0029, found in the Journal on page 454, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 175. Title read. Considered.

Standing Committee amendment, AM0012, found in the Journal on page 454, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 159. Title read. Considered.

MRS. CROSBY PRESIDING

Advanced to E & R for review with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 239. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 240. Title read. Considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 4CA. Placed on Select File.
LEGISLATIVE RESOLUTION 1CA. Placed on Select File.
LEGISLATIVE RESOLUTION 21CA. Placed on Select File.

LEGISLATIVE BILL 152. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Preister asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

AM0031

1. On page 2, lines 8 and 10, strike "or trapping"; in line 15 strike ", trapping,"; in line 16, strike the comma; in lines 17 and 18 strike "trapping," and strike the second comma; in line 19 strike "trapper," and ", trapping,"; in line 23 strike the second comma; in line 24 strike "trapping,"; and in lines 25 and 27 strike ", trapping,".

3. On page 3, line 1, strike "or trapping"; in line 12 strike the comma; and in line 13 strike "trapping,".

NOTICE OF COMMITTEE HEARING
Judiciary

LB 189	Wednesday, February 1, 1995	1:30 p.m.
LB 138	Wednesday, February 1, 1995	1:30 p.m.
LB 516	Wednesday, February 1, 1995	1:30 p.m.
LB 303	Wednesday, February 1, 1995	1:30 p.m.
LB 697	Wednesday, February 1, 1995	1:30 p.m.
LB 721	Wednesday, February 1, 1995	1:30 p.m.
LB 520	Wednesday, February 1, 1995	1:30 p.m.
LB 603	Wednesday, February 1, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 25, 1995, at 11:30 a.m., was the following bill: 331.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Suspend Rules

Mr. Robinson moved to suspend Rule 3, Section 13 to cancel the January 26, 1995 confirmation hearing set for G. Roderic Anderson and Christine M. Harris in the Government, Military and Veterans Affairs Committee.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 49. Introduced by Beutler, 28.

WHEREAS, the Clinton Administration and the Congress of the United States are considering proposals to sell the five federal power marketing administrations, including the Western Area Power Administration, in order to fund a tax cut for middle-income Americans; and

WHEREAS, Nebraska's publicly-owned electric utilities receive low-cost hydroelectric power from federal dams operated by the Western Area Power Administration, the University of Nebraska receives approximately eighty percent of its power from the Western Area Power Administration, and the privatization of the Western Area Power Administration will significantly increase wholesale power costs for electric utilities statewide which will result in increased rates for Nebraska ratepayers; and

WHEREAS, Nebraska is the only all-public-power state in the nation, with Nebraska's electric utilities offering rates among the lowest ten percent in the nation, and selling the Western Area Power Administration will lessen this rate advantage which will detrimentally impact economic development in Nebraska and will also burden the existing agriculture and business industry in Nebraska, including the fact that a portion of the federal hydropower allocated to Nebraska is specifically designated for irrigation pumping power; and

WHEREAS, the Nebraska Power Association has estimated that this proposal could cost Nebraska ratepayers more than fifty million dollars annually, the proposal is unnecessary and burdensome, and the ratepayers purchasing electricity through the Western Area Power Administration have repaid a major part of the original investment with interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature opposes the sale, transfer, exchange, lease, or other disposition of the Western Area Power Administration due to the significant fiscal impact such a sale would have on Nebraska ratepayers.
2. That the Clerk of the Legislature transmit a copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Nebraska delegation to the Congress of the United States.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 708. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 19. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 645 and LB 730. No objections. So ordered.

VISITORS

Visitors to the Chamber were Paul Cohan and Michael McCabe from Lombard, Illinois.

The Doctor of the Day was Dr. Strohmyer from Papillion.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTEENTH DAY - JANUARY 26, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dr. Randy Dugger, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Beutler, Bromm, Chambers, Dierks, Hartnett, Kristensen, Landis, Lindsay, Vrtiska, Will, Mmes. Brown, McKenzie, and Ms. Day who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

MESSAGE FROM THE GOVERNOR

January 25, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 331 was received in my office on January 25, 1995.

This bill was signed by me on January 25, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 49 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 566 and the referral of legislative bills 836 through 884 and legislative resolution 49.

LB	Committee
566	Education
836	Banking, Commerce and Insurance
837	Banking, Commerce and Insurance
838	Banking, Commerce and Insurance
839	Health and Human Services
840	Education
841	Banking, Commerce and Insurance
842	Health and Human Services
843	Health and Human Services
844	Nebraska Retirement Systems
845	Education
846	Banking, Commerce and Insurance
847	Nebraska Retirement Systems
848	Urban Affairs
849	Health and Human Services
850	Judiciary
851	General Affairs
852	Health and Human Services
853	Revenue
854	Natural Resources
855	Natural Resources
856	Government, Military and Veterans Affairs
857	Transportation
858	Health and Human Services
859	Judiciary
860	General Affairs
861	Education
862	Natural Resources

863	Judiciary
864	Urban Affairs
865	Judiciary
866	Judiciary
867	Judiciary
868	Judiciary
869	Judiciary
870	Appropriations
871	Natural Resources
872	Judiciary
873	Revenue
874	General Affairs
875	Judiciary
876	Natural Resources
877	Judiciary
878	Judiciary
879	Judiciary
880	Judiciary
881	Judiciary
882	Banking, Commerce and Insurance
883	Judiciary
884	Judiciary

LR	**Committee**
49	Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

MOTION - Suspend Rules

Mr. Robinson renewed his pending motion, found in the Journal on page 483, to suspend Rule 3, Section 13 to cancel the January 26, 1995 confirmation hearing set for G. Roderic Anderson and Christine M. Harris in the Government, Military and Veterans Affairs Committee.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 24CA. Read. Considered.

Standing Committee amendment, AM0043, found in the Journal on page 464, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the resolution.

Voting in the affirmative, 28:

Abboud
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Stuhr
Warner
Wickersham
Will
Witek
Withem

Voting in the negative, 9:

Bohlke
Brashear
Chambers
Jones
Landis
Preister
Schimek
Wehrbein
Wesely

Present and not voting, 4:

Cudaback
Jensen
Schmitt
Schrock

Excused and not voting, 8:

Avery
Bernard-Stevens
Beutler
Bromm
Brown
Lindsay
McKenzie
Vrtiska

Advanced to E & R for review with 28 ayes, 9 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 240. Considered.

Mr. Hall asked unanimous consent to bracket LB 240 until February 8, 1995. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendment to LB 17:
AM7009
1. On page 1, lines 3 and 4, strike ", and Laws 1994, LB 1207".

LEGISLATIVE BILL 49. Placed on Select File as amended.

E & R amendment to LB 49:
AM7007

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 167. Placed on Select File.

LEGISLATIVE BILL 202. Placed on Select File as amended.
E & R amendment to LB 202:
AM7008

1. In the Standing Committee amendments, AM0032, on page 2, line 15, strike "33-101" and insert "33-110".

2. On page 1, strike beginning with "tax" in line 1 through line 4 and insert "fees; to amend section 33-110, Reissue Revised Statutes of Nebraska, and sections 77-1804 and 77-1823, Revised Statutes Supplement, 1994; to change fees relating to marriage licenses, tax sales, and tax deeds; and to repeal the original sections.".

LEGISLATIVE BILL 28. Placed on Select File.
LEGISLATIVE BILL 22. Placed on Select File.
LEGISLATIVE BILL 52. Placed on Select File.
LEGISLATIVE BILL 127. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 92. Placed on General File as amended.
Standing Committee amendment to LB 92:
AM0046

1. Strike section 1 and insert the following new section:

"Section 1. Section 86-329, Reissue Revised Statutes of Nebraska, is amended to read:

86-329. (1) Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current~~;~~ or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained in the above-mentioned unauthorized ways~~;~~ shall be deemed guilty of a Class III misdemeanor.

(2) When electrical, gas, or water service has been disconnected pursuant to sections 70-1601 to 70-1615, any person who reconnects such service without the knowledge and consent of the supplier of such service shall be deemed guilty of a Class III misdemeanor." .

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 97. Placed on General File.
LEGISLATIVE BILL 162. Placed on General File.

LEGISLATIVE BILL 86. Placed on General File as amended.
Standing Committee amendment to LB 86:
AM0062

1. On page 2, line 28, strike "shall" show as stricken, and insert "may".

LEGISLATIVE BILL 144. Placed on General File as amended.
Standing Committee amendment to LB 144:
AM0063

1. Insert the following new section:

"Sec. 8. The Partnerships for Economic Development Act terminates on January 1, 2000.".

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 19A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 19, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 48. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Mr. Preister renewed his pending amendment, AM0031, found in the Journal on page 482.

Messrs. Kristensen and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Withem requested a roll call vote on the Preister amendment.

Mr. Withem requested the roll call vote be taken in reverse order.

Voting in the affirmative, 6:

Chambers
Landis
Lynch
Preister
Schimek
Hartnett

Voting in the negative, 31:

Abboud
Avery
Beutler
Brashear
Coordsen
Day
Dierks
Elmer
Engel
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Witek

Present and not voting, 7:

Bohlke
Brown
Crosby
Cudaback
Fisher
Wesely
Withem

Excused and not voting, 5:

Bernard-Stevens
Bromm
Kristensen
Lindsay
Wickersham

The Preister amendment lost with 6 ayes, 31 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA4
Page 2, line 18, after "may", insert "lawfully".

The Chambers amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA5
Strike lines 2-7 on page 3.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA6
Page 3, line 13, after "aid" add "or", in 18, strike, "or accompany"

Mr. Chambers withdrew his amendment.

Mr. Preister offered the following amendment:
FA7
Page 4 line 2 strike class III add class V

Mr. Preister withdrew his amendment.

Mr. Preister offered the following amendment:
FA8
Strike sec. 7. Insert:
"Any person violating the provisions of section 2 of this act shall be guilty of a Class V misdemeanor"

The Preister amendment lost with 5 ayes, 14 nays, 23 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Fisher
Hillman
Hudkins
Janssen
Jensen
Kristensen
Matzke
Maurstad
Pirsch
Robak
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 6:

Chambers
Crosby
Landis
Lindsay
Lynch
Preister

Present and not voting, 9:

Day	Hall	Jones	Pedersen	Schimek
Engel	Hartnett	McKenzie	Schellpeper	

Excused and not voting, 3:

Abboud	Bernard-Stevens	Wickersham

Advanced to E & R for review with 31 ayes, 6 nays, 9 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 25A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, Ninety-fourth Legislature, First Session, 1995.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 700	Thursday, February 2, 1995	12:30 p.m.
LB 130	Thursday, February 2, 1995	12:30 p.m.
LB 701	Thursday, February 2, 1995	12:30 p.m.
LB 702	Thursday, February 2, 1995	12:30 p.m.
LB 505	Thursday, February 2, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LB 237	Thursday, February 2, 1995	1:30 p.m.
LB 862	Thursday, February 2, 1995	1:30 p.m.
LB 583	Thursday, February 2, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95005

DATE: January 26, 1995

SUBJECT: Constitutionality of a Two-tiered Signature Requirement For Initiative and Referendum Petitions

REQUESTED BY: Senator M.L. Dierks, Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion as to the constitutionality of a two-tiered signature requirement for initiative and referendum petitions in Nebraska whereby one number of signatures would be required for volunteer petition efforts, and a higher number for petition efforts utilizing paid circulators. Such a proposal is of no small import, since under the Nebraska Constitution the people, by means of the initiative and referendum, are of equal status as a legislative body with the Unicameral. Klosterman v. Marsh, 180 Neb. 506, 511, 143 N.W.2d 744, 748 (1966) ("the Legislature . . . and the electorate . . . are coordinate legislative bodies, and there is no superiority of power between the two."). We have now reviewed the actual Legislative Resolution introduced to place a two-tiered signature requirement before the voters (LR 22CA), and our analysis is set forth below.

Background

Prior to May 13, 1994, the Nebraska Constitution was interpreted as requiring that petitions seeking to enact laws by initiative be signed by registered voters equal in number to seven percent of the whole number of votes cast for Governor at the last general election. See Neb. Const. art. III, § 4. Petitions seeking to propose Constitutional amendments required the signatures of ten percent of such voters, and petitions invoking the referendum required five percent (or ten percent to suspend the law pending the vote) of such voters. However, in Duggan v. Beermann, 245 Neb. 907, 515 N.W.2d 788 (1994), the Nebraska Supreme Court held that the above referenced signature requirements must be calculated using the total number of all registered voters in the State, notwithstanding the express language of article III, § 4 to the contrary.[1]

Subsequent to the Nebraska Supreme Court's decision in Duggan, a committee developed recommendations for changes in the relevant constitutional provisions. These recommendations were introduced as LR 22CA, which provides, in pertinent part:

> If the petition be for the enactment of a law, it shall be signed by ~~seven percent of the~~ registered voters of the state~~, and if~~ equal in number to at least eight percent of the number of registered voters on the date of the most recent general election. If the petition be for the amendment of the Constitution, the petition ~~therefor~~ shall be signed by ~~ten percent of such~~ registered voters equal in number to at least twelve percent of the number of registered voters on the date of the most recent general election.

. . . .

The special challenges of relying solely on volunteer petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered during a nonpaid petition drive shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Paid petition drive means a drive for signatures in which one or more circulators receive payment to collect signatures. Payment means compensation for collecting signatures other than reimbursement for travel and meals.

. . . .

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed~~. . . ."

Similarly, LR 22CA raises the signature requirement for invoking a referendum from 5 to 6% (from 10% to 12% to suspend a law pending the vote). More significant, in terms of signatures needed, LR 22CA calculates the number of signatures required based on all registered voters rather than the number of votes cast in the preceding gubernatorial election. The changes proposed by LR 22CA can be seen more clearly in the following chart:

Petition Signatures Required (example based on 1992 statistics)

	Pre-Duggan	LR 22CA Paid	LR 22CA Volunteer
Initiative (law)	41,058	70,809	35,405
Initiative (Const. Amend)	58,654	106,213	53,107
Referendum	29,327	53,107	26,554
Referendum (Suspend law)	58,654	106,213	53,107

Thus, under LR 22CA, petition efforts utilizing paid circulators would need twice as many signatures as those using all volunteer circulators. The payment of a single dollar to a single petition circulator in an otherwise volunteer effort would double the number of signatures required and could effectively nullify the signatures of more than enough voters to otherwise place an initiative on the ballot.

Standard of Review

The circulation of initiative and referendum petitions constitutes core political speech protected by the First and Fourteenth Amendments of the United States Constitution. The United States Supreme Court has held uniformly that expression of political ideas is the highest form of protected speech and is entitled to strict judicial scrutiny to prevent state infringement. See Meyer v. Grant, 486 U.S. 414, 421, 108 S.Ct.

1886, 1992 (1988); State v. Monastero, 228 Neb. 818, 825, 424 N.W.2d 837, 843 (1988), appeal dismissed, Monastero v. Nebraska, 488 U.S. 936, 109 S.Ct. 358 (1988) ("{s}peech protected by the first amendment to the U.S. Constitution includes the free expression or exchange of ideas, the communication of information or opinions, and the dissemination and propagation of views and ideas, as well as the advocacy of causes."); Riley v. Nat'l Fed'n of the Blind of North Carolina, 487 U.S. 781, 789, 108 S.Ct. 2667, 2673 (1988) ("Restrictions on First Amendment interests pass constitutional muster only when they are narrowly tailored to serve a legitimate state interest.").

The Court uses an equal protection standard of review when a government act classifies people in relation to a fundamental right, such as the exercise of core political speech. The strict scrutiny test means that "{t}he Court will not accept every permissible government purpose as sufficient to support a classification under this test, but will instead require the government to show that it is pursuing a 'compelling' or 'overriding' end." John E. Nowak & Ronald D. Rotunda, Constitutional Law § 14.3, at 575 (4th ed. 1991). Furthermore, "the Court will not uphold the classification unless the justices have independently reached the conclusion that the classification is necessary, or narrowly tailored, to promote that compelling interest." Finally, "{i}f the justices are of the opinion that the classification need not be employed to achieve such an end, the law will be held to violate the equal protection guarantee." Id.

Discussion

A. Conclusion and Summary

A two-tiered signature requirement as proposed in LR 22CA violates the First and Fourteenth Amendments of the United States Constitution by impermissibly burdening the freedom of speech.

The United States Supreme Court has clearly indicated that unequal treatment of paid petition circulators, such as proposed in LR 22CA, violates the First Amendment. In Meyer v. Grant, 486 U.S. 417, 108 S.Ct. 1886 (1988), the Court stated, "Colorado also seems to suggest that it is permissible to mute the voices of those who can afford to pay petition circulators (citation to Brief omitted) 'But the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.'" Id. at 1894 n.7 (quoting Buckley v. Valeo, 424 U.S. 1, 48-49, 96 S.Ct. 612, 648-649 (1976)). "{T}he First Amendment protects {the people's} right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.'" National Ass'n of Radiation Survivors v Derwinski, 782 F.Supp. 1392, 1411 (N.D. Cal. 1992) (quoting Meyer, 486 U.S. at 424, 108 S.Ct. at 1893)). See also Riley v. Nat'l Fed'n of the Blind of N.C., 108 S.Ct. 2667, 2674 n.5 (1988); City Council v. Taxpayers for Vincent, 466 U.S. 789, 804, 104 S.Ct. 2118 (1984) ("the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.").

More specifically, a two-tiered system would be struck down by the Court because the purpose of the amendment is constitutionally impermissible. In our view, a court would almost certainly conclude the purpose is not to protect the State's interest in maintaining the integrity of the election process by preventing fraud and misrepresentation among petition circulators, Libertarian Party of Nebraska v. Beermann, 598 F.Supp. 57, 60 (D. Neb. 1984), but rather to penalize and discourage the use of paid circulators.[2]

Likewise, a court would not likely conclude the purpose of the proposed amendment is to ensure sufficient grassroots support for initiative measures, since the number of signatures needed may actually be reduced slightly for those efforts using only volunteer circulators (see chart page 5). Furthermore, the United States Supreme Court and the Nebraska Supreme Court have both rejected similar "grassroots" arguments. See Radcliffe, 228 Neb. at 871, 424 N.W.2d at 610 (discussing the U.S. Supreme Court's refusal to accept such an argument in Meyer, 108 S.Ct. at 1894). See also Ficker v. Montgomery County Bd. of Elections, 670 F.Supp. 618, 621 (D.Md. 1985)

B. Wealth and Political Speech

Requiring paid circulators to gather double the signatures of volunteer circulators impermissibly introduces wealth as a barrier to political speech. In State ex rel. Stenberg v. Beermann, 240 Neb. 755, 485 N.W.2d 151 (1992), the Nebraska Supreme Court struck down a law that would have prohibited petition circulators from accumulating signatures outside their own counties. The Court explained:

> In a participatory system of government the voices pressing their views on their elected officials reflect the broad spectrum of the total society. It is an obvious truth that no one view is more entitled to be expressed than another. The judgement of the majority or the economically privileged as to the accepted and proper view of an issue, and the suppression of the minority's right of expression, is tyranny, no matter how wise and reasoned the majority opinion.

Id. at 757.

Wealth cannot be a restricting factor in the dissemination of political discussion. Wealth "is not germane to one's ability to participate intelligently in the electoral process" ' and is therefore an insufficient basis on which to restrict a citizen's fundamental right to vote.' " Buckley v. Valeo, 424 U.S. 1, 49, 96 S.Ct. 612, 649 n.55 (1976) (quoting Harper v. Virginia Bd. of Elections, 383 U.S. 663, 668, 86 S.Ct. 1079, 1082 (1966)). In Buckley, the United States Supreme Court struck down federal statutes that limited expenditures by someone on his own behalf as violative of freedom of speech. They further stated, "{b}ut the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered interchange of ideas for the bringing about of political and social change desired by the people.'" Buckley, 424 U.S. at 49, 96 S.Ct. at 649 (quoting New York Times Co. v. Sullivan, 376 U.S. 254, 266, 84 S.Ct. 710, 718 (1964)). Furthermore, "{t}he First Amendment's protection against government abridgement of free expression cannot properly be made to depend on a person's financial ability to engage in public discussion." Buckley, 424 U.S. at 49, 96 S.Ct. at 649 (quoting Eastern R. Conf. v. Noerr Motors, 365 U.S. 127, 139, 81 S.Ct. 523, 530 (1961)).

The point is that a two-tiered system makes the signatures of voters who sign petitions circulated by paid circulators of less force and value than others. Although the two-tiered signature requirement proposed in LR 22CA is characterized as a "tabulation bonus", it takes more than a gimmicky euphemism to survive strict scrutiny under the First Amendment.[3] The practice of counting some petition signatures at half the value as others is constitutionally indistinguishable from a "voting bonus" scheme under which votes cast in favor of an initiative for which paid advertising has been run by the petition sponsors count only half as much as votes cast where no paid ads are run.[4] Although a two-tiered system does not necessarily limit the audience reached by petition circulators, it does devalue the audience's views whenever one or more paid circulators are involved. Requiring paid circulators to gather double the signatures of volunteer circulators restricts First Amendment rights and is clearly unconstitutional.

[1] Article III, § 2, which specifies the percentage of voters needed to place an initiative on the ballot, has never, since its inception in 1912, referred to the percentage of all Nebraska voters, but rather refers to the percentage of those voters who cast ballots for Governor at the last general election (regardless of whether the term used was "legal voters" {1912-1920}, "electors" {1920-1988} or "registered voters" {1988-present}).

From 1912 to 1920 both provisions (now § 2 and § 4 of Article III) referred to "legal voters." In 1920, "legal voters" was changed to "electors" in § 2, while section 4 was changed to its current form. The records of the constitutional convention proceedings from 1919-1920 specifically state that no substantive change was intended when these words were substituted. At the convention, William Jennings Bryan urged the delegates to liberalize the constitutional provisions governing the initiative process. Journal of the Nebraska Constitutional Convention, Vol. 1, pp. 326-327 (Jan. 12, 1920). Delegates to the constitutional convention subsequently considered proposal No. 108, which revised Neb. Const. art. III, § 1. During debate, delegate Norton stated, "We should not make it difficult for the people to use this machinery. Whenever you increase the percentages, and make them too large, you defeat the very purpose of the initiative and referendum because you make it difficult for the people to use." Id. at 504.

As amended by the Committee on Initiative, Referendum and Recall, Proposal No. 108 proposed to amend Neb. Const. art. III, § 1A to state that "proposed Constitutional Amendments shall require a petition of ten per cent of the legal voters of the State. . . ." Id. at

457. (Emphasis added). Section 1d of art. III was left unchanged, and read "The whole number of votes cast for governor at the regular election last preceding the filing of any initiative or referendum petition shall be the basis on which the number of legal voters required to sign such petition shall be computed." Thus, the only substantive change was to reduce the percentage of required signatures from 15% to 10%.

This proposed amendment to article III then went to the Committee on Arrangement and Phraseology, which recommended the "arrangement and phraseology" of Section 1a be changed to read "if the petition be for the amendment of the Constitution, the petition therefore shall be signed by ten per cent of such electors." (Emphasis added). Id. at 1130. The Committee also changed the phraseology of Section 1d to read, "The whole number of votes cast for governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed." Id. at 1131. (This is the current form of Neb. Const. art. III, § 4).

Thus, the phraseology was changed from "legal voters" to "electors" in Section 1a, and the reference to "legal voters" was eliminated from Section 1d, thereby creating the facial discrepancy which exists to this day as to Neb. Const. art. III, § 2 and § 4. The record of the constitutional convention proceedings could not be more clear, however, that these changes were not intended to be substantive. The Committee on Arrangement and Phraseology concluded its report on Proposal No. 108 by stating, "In conclusion, your Committee begs to say that while it has recommended many changes in the wording and arrangement of this proposal, it has not intentionally recommended any alteration that would affect any essential feature of the proposal." Id. at 1132 (emphasis added). Thus, it is clear that, despite the facial discrepancy between the two sections, the number of signatures required was to be based on 10% of the gubernatorial vote, and not 10% of all electors.

Proposal No. 108 was approved by the convention, id., Vol. II, p. 2651, and submitted for voter approval under the title "To amend Sections 1-a, 1-b, 1-c and 1-d, Article III," with the descriptive matter 'Initiative and Referendum. Reduces percentages in number of signatures required.'" Id. at 2822 (emphasis added). Thus, the 1920 amendment (which created the same facial discrepancy between the two provisions which exists today) was clearly intended to reduce the number of required signatures, despite the fact that section 1a facially required signatures from 10% of all electors of the State.

The 1988 amendment to article III, § 2 simply replaced the word "electors" with "registered voters." This change in no way affected the method of calculating the number of signatures required, as provided in § 4. Section 4 had been harmonized with section 2 for many decades, in accordance with the original intent of the provisions, until the Duggan v. Beermann decision. The 1988 amendment, when read together with Section 4 in the context of its history, changed nothing with respect to the number of petition signatures required. The history of the 1988 amendment also clearly shows no change was intended with regard to the calculation of the required number of signatures. Since the inception of the initiative petition process in Nebraska in 1912, it had always been the Gubernatorial vote from which the required number of petition signatures was to be calculated.

[2] Of course, arguments can be made that the amendment's purpose is to prevent fraud and misrepresentation. However, the Court will then analyze whether the means used are narrowly tailored to achieve that end. Clearly, less drastic means are available to the state to protect against fraud and misrepresentation among paid circulators than restricting their first amendment right to political speech. Several state statutes already exist to protect the public from fraud and misrepresentation from either volunteer or paid circulators. Neb. Rev Stat. §32-628(2) (Cum. Supp. 1994) specifically requires a warning to be printed on every signature page "for the purpose of preventing fraud, deception, and misrepresentation." Neb. Rev. Stat. §§ 32-629 - 32-630 (Cum. Supp. 1994) provides the qualifications and prohibited acts of signers and circulators.

[3] The "volunteer bonus" approach to a two-tiered petition signature requirement was proposed by Daniel H. Lowenstein and Robert M. Stein in The First Amendment and Paid Initiative Petition Circulators: A Dissenting View and a Proposal 17 Hastings Const. L.Q. 175 (Fall 1989). We find the authors' arguments in favor of constitutionality to be weak and unconvincing. Id. at 222-23. The First Amendment is not so feeble in its protection as to be circumvented by fancy packaging and illusory "bonuses."

[4] The Supreme Court has long required adherence to the principle of "one person, one vote." See Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 1380 (1964). In Reynolds, the Court stated, "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State." Id. at 1381. The Court further stated, "{I}t is inconceivable that a state law to the effect that, in counting votes. . . , the votes of citizens in one part of the State would be multiplied by two, five or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. . . One must be ever aware that the Constitution forbids 'sophisticated as well as simple-minded modes of discrimination.'" Id. at 1381 (quoting Lane v. Wilson, 307 U.S. 268).

Sincerely yours,
DON STENBERG
Attorney General
Signed Steve Grasz
Deputy Attorney General

3-1886-3

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 20. Placed on General File.

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

Ms. Day and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 60.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 6:

Bernard-Stevens
Chambers
Kristensen
Robak
Wesely
Withem

Voting in the negative, 34:

Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Fisher
Hall
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek

Present and not voting, 5:

Bohlke
Crosby
Engel
Hartnett
McKenzie

Excused and not voting, 4:

Abboud
Day
Hillman
Lynch

The Chambers motion to indefinitely postpone lost with 6 ayes, 34 nays, 5 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 15. E & R amendment, AM7005, found in the Journal on page 477, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 25. Mrs. Crosby offered the following amendment:
FA9

P. 4, Line 14, strike: "Ensure full access" and on line 15, strike "for hearing impaired persons." And on p. 4, line 14 insert after (13): "Assist hearing impaired persons in accessing"

P. 4, Line 16 strike "ensure". And insert after "shall": not deliver direct mental health, alcoholism, and drug abuse services but shall assist in obtaining"

The Crosby amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 16. Advanced to E & R for engrossment.
LEGISLATIVE BILL 173. Advanced to E & R for engrossment.

LEGISLATIVE BILL 214. E & R amendment, AM7006, found in the Journal on page 480, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 26. Advanced to E & R for engrossment.
LEGISLATIVE BILL 133. Advanced to E & R for engrossment.

LEGISLATIVE BILL 134. Mr. Warner offered the following amendment:
AM0070

1. On page 11, lines 25 and 26, reinstate the stricken matter.

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 135. Considered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 268. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 60. Considered.

Advanced to E & R for review with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 169. Title read. Considered.

Standing Committee amendment, AM0038, found in the Journal on page 475, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Messrs. Robinson and Hall asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendment to LB 137:
AM0017

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".
2. On page 2, line 14, strike "aggregate" and insert "average".

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 173A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 173, Ninety-fourth Legislature, First Session, 1995.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 645	Thursday, February 2, 1995	1:30 p.m.
LB 775	Thursday, February 2, 1995	1:30 p.m.
LB 776	Thursday, February 2, 1995	1:30 p.m.
LB 730	Thursday, February 2, 1995	1:30 p.m.
LB 57	Thursday, February 2, 1995	1:30 p.m.
LB 126	Thursday, February 2, 1995	1:30 p.m.
LB 269	Thursday, February 2, 1995	1:30 p.m.
LB 695	Thursday, February 2, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

General Affairs

LB 556	Monday, February 6, 1995	1:30 p.m.
LB 590	Monday, February 6, 1995	1:30 p.m.
LB 418	Monday, February 6, 1995	1:30 p.m.
LB 768	Monday, February 6, 1995	1:30 p.m.
LB 275	Monday, February 6, 1995	1:30 p.m.
LB 765	Monday, February 13, 1995	1:30 p.m.
LB 851	Monday, February 13, 1995	1:30 p.m.
LB 688	Monday, February 13, 1995	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 373. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Lynch withdrew his name as cointroducer to LB 274.

VISITORS

Visitors to the Chamber were Senator Stuhr's husband, Boyd Stuhr, from Bradshaw and daughter and grandsons, Teresa, Chaz, and Christian Robbins, from St. Joseph, Missouri; Rodale and Renate Emken from Holdrege and Julia Schmid from Germany; Sharlene

Meyer from Gothenberg; and Denise Daubendik, Jennifer Pfingsten, and Sara Howieson from Dana College, Blair.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Jones, the Legislature adjourned until 9:00 a.m., Friday, January 27, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTEENTH DAY - JANUARY 27, 1995

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 27, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Walter Rowoldt, Lutheran Church of America.

ROLL CALL

The roll was called and all members were present except Mr. Wehrbein who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Chambers, Elmer, Hartnett, Kristensen, Landis, Lindsay, Matzke, Robinson, Will, Ms. Day, Mmes. Bohlke, McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

ANNOUNCEMENT

The Chair announced today is Mr. Schellpeper's birthday.

MOTION - Approve Appointments

Mrs. Hudkins moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 453: Colonel Ronald Tussing, James J. Riskowski, and Catherine A. Walters - Crime Victims Reparation Committee.

Voting in the affirmative, 25:

Beutler	Brashear	Brown	Coordsen	Crosby

Cudaback
Dierks
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Jensen
Maurstad
Pedersen
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Warner
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 5:

Jones
Lynch
Schimek
Vrtiska
Witek

Excused and not voting, 19:

Abboud
Avery
Bernard-Stevens
Bohlke
Bromm
Chambers
Day
Elmer
Hartnett
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pirsch
Robak
Robinson
Wehrbein
Will

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Mrs. Hudkins moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 453: Ronald Bartee - Parole Board.

Voting in the affirmative, 26:

Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Maurstad
Pedersen
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Beutler
Fisher
Hall
Jones
Lynch
Schrock

Excused and not voting, 17:

Abboud
Avery
Bernard-Stevens
Bohlke
Chambers
Day
Hartnett
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pirsch
Robak
Robinson
Wehrbein
Will

The appointment was confirmed with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

MOTION - Withdraw LB 324

Mr. Schrock renewed his pending motion, found in the Journal on page 466, to withdraw LB 324.

The Schrock motion prevailed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 4CA. Advanced to E & R for engrossment.
LEGISLATIVE RESOLUTION 21CA. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 186. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Standing Committee amendment, AM0042, found in the Journal on page 475, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MR. WESELY PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Standing Committee amendment, AM0045, found in the Journal on page 476, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 356	Tuesday, February 7, 1995	1:30 p.m.
LB 434	Tuesday, February 7, 1995	1:30 p.m.
LB 557	Tuesday, February 7, 1995	1:30 p.m.
LB 718	Tuesday, February 14, 1995	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Transportation

LB 264	Monday, February 6, 1995	1:30 p.m.
LB 463	Monday, February 6, 1995	1:30 p.m.
LB 466	Monday, February 6, 1995	1:30 p.m.
LB 522	Monday, February 6, 1995	1:30 p.m.
LB 857	Monday, February 6, 1995	1:30 p.m.
LB 111	Tuesday, February 7, 1995	1:30 p.m.
LB 150	Tuesday, February 7, 1995	1:30 p.m.
LB 151	Tuesday, February 7, 1995	1:30 p.m.
LB 201	Tuesday, February 7, 1995	1:30 p.m.
LB 219	Tuesday, February 7, 1995	1:30 p.m.
LB 225	Tuesday, February 7, 1995	1:30 p.m.
LB 242	Tuesday, February 7, 1995	1:30 p.m.
LB 245	Tuesday, February 7, 1995	1:30 p.m.
LB 715	Tuesday, February 7, 1995	1:30 p.m.
LB 769	Tuesday, February 7, 1995	1:30 p.m.
LB 813	Tuesday, February 7, 1995	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

Enrollment and Review Change to LB 1

The following changes, required to be reported for publication in the Journal, have been made:

ER9000

1. In the E & R amendment, AM7001, on page 2, line 16, "43-630" has been struck and "48-630" inserted.

Enrollment and Review Change to LB 4

The following changes, required to be reported for publication in the Journal, have been made:
ER9001

1. On page 21, line 10, "79-3834" has been struck and "79-2834" inserted.
2. On page 22, line 7, "79-3836" has been struck and "79-2836" inserted.

(Signed) David I. Maurstad, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams Jr., Donald D. - Lincoln	Nebraskans First, Inc.
Barry, Robert - Chicago, IL	MCI Telecommunications Corporation
Cline, Williams, Wright, Johnson & Oldfather	
Renner, Shawn D. - Lincoln	Media of Nebraska, Inc.
Cockey, Sharon B. - New York, NY	Metropolitan Life Insurance Company
Cusick, Jennifer A. - Lincoln	ASUN - UNL Student Government
Eberly, Carolyn - Lincoln	Nebraska Parkinson's Action Information Network
Elliott, Amy R. - Fairfax, VA	National Rifle Association
Jewell, Jan - Lincoln	DeCamp Legal Services, P.C.
Kuhle, Kim J. - Lincoln	Hugh F. Wilkins
Moors, H. Jack - Lincoln	Village of Butte
Mueller, William J./Knudsen Berkheimer Richardson	
Mueller, William J. - Lincoln	Nebraska Hearing Aid Association
Rasmussen, Dennis - Lincoln	Norwest Bank Nebraska, N.A. Western Association
Ricca, Dennis - Chicago, IL	MCI Telecommunications Corporation
Rismiller, David A. - Omaha	FirsTier Financial, Inc.
Ruth, Larry L./Knudsen Berkheimer Richardson	
Ruth, Larry L. - Lincoln	Nebraska Hearing Aid Association
Scarpello, Sam M. - Omaha	Nebraska State Utility Workers Conference
Schmit, Loran - Lincoln	Ethanol Research, Development Associates Omaha Tribal Council
Skochdopole, R. A. - Omaha	Association of Independent Colleges & Universities of Nebraska (AICUN) Douglas Racing Corporation FirsTier Financial, Inc.

	National Association of Independent Insurers
Tooker, Norman E. - Ralston	Nebraska State Grange
Wallace, David R. - Omaha	Nebraska Association of Evangelicals

RESOLUTION

LEGISLATIVE RESOLUTION 50. Introduced by Cudaback, 36.

WHEREAS, Merlyn C. Dickerson had served as a public servant for Dawson County in the office of county commissioner for twenty-eight years, becoming a state probation officer in 1947, and establishing the District Nine Probation Office in the Dawson County Courthouse in Lexington, Nebraska; and

WHEREAS, Commissioner Dickerson served on the School Board of District 35, held the position of president of the Sumner Commercial Club, and was a member of the town board; and

WHEREAS, Commissioner Dickerson became President of the Central Nebraska County Officials Association from 1962-1963, and then became Chairman of the Economic Development Program for Dawson County from 1964-1966; and

WHEREAS, Commissioner Dickerson served on the South Central Nebraska Law Enforcement Planning Commission from 1971-1979 and was also appointed as Chairman of the listening panel for the Nebraska Advisory Commission on Aging in 1972 by Governor J.J. Exon; and

WHEREAS, Merlyn C. Dickerson was listed in Outstanding Civic Leaders of America in 1968, in Who's Who in Government, second edition for 1975-1976, and participated in fraternal organizations as well; and

WHEREAS, Merlyn C. Dickerson spent much of his life in public service and as a civil leader working for the interests of others and achieving meaningful and necessary goals in the eyes of all; and

WHEREAS, Merlyn C. Dickerson earned the respect of peers and the public to which he dedicated much of his life to serving.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the condolences and sympathy of the members of the Legislature are extended to the family of the late Merlyn C. Dickerson.
2. That a copy of this resolution be sent to the family of Merlyn C. Dickerson.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 28 in the Journal. No objections. So ordered.

AM0090

1. Strike original sections 1 and 2.

2. On page 8, lines 25 and 26, strike the new matter and insert "and sections 2 to 4 of this act".

3. On page 9, strike beginning with "in" in line 4 through "has" in line 6 and insert "it is necessary to maintain public"; in line 6 strike "of the lottery"; in line 7 strike "relating to the"; in line 8 strike "lottery"; in line 10 strike "and of the"; in line 11 strike "state-sponsored lottery"; in line 14 after "services" insert "contributes to"; strike beginning with "in" in line 14 through "or" in line 16; in line 17 strike "and in the state-sponsored lottery"; in line 18 strike "5 and 6" and insert "3 and 4"; strike beginning with "Director" in line 21 through "9-803" in line 22 and insert "State of Nebraska for goods or services having a value of one hundred thousand dollars or more"; and in line 23 after "contribution" and after "expenditure" insert "of more than one thousand dollars".

4. On page 10, lines 8 and 12, strike "5" and insert "3"; in line 16, strike beginning with "sections" through "and" and insert "section"; and in line 17 strike "are" and insert "is".

5. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LR 1CA in the Journal. No objections. So ordered.

AM0084

1. On page 1, line 3, strike "general election in November 1996" and insert "primary election in May 1996".

Mr. Withem asked unanimous consent to print the following amendment to LR 4CA in the Journal. No objections. So ordered.

AM0083

1. On page 1, line 3, strike "general election in November 1996" and insert "primary election in May 1996".

Mr. Withem asked unanimous consent to print the following amendment to LR 21CA in the Journal. No objections. So ordered.

AM0085

1. On page 1, line 3, strike "general election in November 1996" and insert "primary election in May 1996".

Mr. Withem asked unanimous consent to print the following amendment to LR 24CA in the Journal. No objections. So ordered.

AM0082

1. On page 1, line 8, strike "general election in November 1996" and insert "primary election in May 1996".

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska
  Municipal Natural Gas Regulation Revolving Loan Fund Quarter Report (Sec. 19-4617, R.R.S. 1943)

Roads, Department of
  Board of Public Roads Classifications and Standards Minutes for December 16, 1994
  Highway Safety Division 1993 Annual Report
  State Highway System Map

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 96. Title read. Considered.

Mr. Jones and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Standing Committee amendment, AM0021, found in the Journal on page 476, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 92. Title read. Considered.

Standing Committee amendment, AM0046, found in the Journal on page 489, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 97. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendment to LB 19:
AM7010

1. On page 1, line 3, strike "and" and insert "to provide an operative date;"; and in line 4 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 161. Placed on Select File.

LEGISLATIVE BILL 175. Placed on Select File as amended.
E & R amendment to LB 175:
AM7011

1. In the Standing Committee amendment, AM0012, on page 1, line 3, before "plaintiff" insert "The"; and in line 6 after "restored" insert an underscored period.

LEGISLATIVE BILL 159. Placed on Select File.
LEGISLATIVE BILL 239. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 64. Placed on General File.
LEGISLATIVE BILL 65. Placed on General File.
LEGISLATIVE BILL 122. Placed on General File.
LEGISLATIVE BILL 124. Placed on General File.
LEGISLATIVE BILL 179. Placed on General File.

LEGISLATIVE BILL 53. Placed on General File as amended.
Standing Committee amendment to LB 53:
AM0089

1. Strike original sections 4 and 5.
2. On page 2, strike beginning with "and" in line 22 through "Council" in line 26.
3. On page 3, line 2, strike "one year" and insert "two years"; and strike beginning with "It" in line 5 through line 8 and insert "All members shall be reimbursed for their actual expenses as provided in sections 81-1174 to 81-1177.".

LEGISLATIVE BILL 61. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 768 Monday, February 6, 1995 (cancel) 1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 162. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 86. Title read. Considered.

Standing Committee amendment, AM0062, found in the Journal on page 490, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 144. Title read. Considered.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0063, found in the Journal on page 490, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Schmitt, Coordsen, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?"

Mr. Schellpeper moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Crosby
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
Robinson
Schellpeper
Stuhr
Vrtiska
Wesely
Wickersham
Withem

Voting in the negative, 13:

Bernard-Stevens
Brashear
Chambers
Coordsen
Cudaback
Day
Lindsay
McKenzie
Pedersen
Pirsch
Schimek
Warner
Witek

Present and not voting, 10:

Avery
Beutler
Bohlke
Bromm
Brown
Hall
Hillman
Preister
Schmitt
Schrock

Absent and not voting, 1:

Landis

Excused and not voting, 4:

Abboud
Robak
Wehrbein
Will

The motion to cease debate lost with 21 ayes, 13 nays, 10 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 36. Placed on General File as amended.
Standing Committee amendment to LB 36:
AM0069

1. On page 2, line 18, after "of" insert "the Director of Building and Safety of the city, a registered professional mechanical engineer licensed to practice in the State of Nebraska and engaged in business in the city, the chief plumbing inspector for the city, one master plumber, and one journeyman plumber. The mechanical engineer, the master plumber, and the journeyman plumber"; in line 21 reinstate the stricken matter beginning with "shall" through the second "manager" in line 23; and in lines 23 through 24 strike the new matter.

LEGISLATIVE BILL 196. Placed on General File as amended.
Standing Committee amendment to LB 196:
AM0087

1. On page 2, line 8, after "changed" insert "unless the city clerk has sent notice of the proposed change in grade to the owners of the lots or land abutting upon the street, avenue, or alley or part of a street, avenue, or alley where such change of grade is to be made. The notice shall be sent to the addresses of the owners as they shall appear in the office of the register of deeds upon the date of the mailing of the notice. The notice shall be sent by regular United States mail, postage prepaid, postmarked at least twenty-one days before the date upon which the city council takes final action on approval of the ordinance authorizing the change in grade. The notice shall inform the owner of the nature of the proposed change, that final action by the city council is pending, and of the location where additional information on the project may be obtained. Following the adoption of an ordinance changing the grade of all or any part of a street, avenue, or alley, no change in grade shall be made".

2. On page 3, line 22, strike the first comma, show as stricken, and insert ". These projects may be funded " and after "by" insert "the".

3. On page 4, line 3, after the stricken "section" insert "which are to be"; in line 4 strike "and"; and in line 25 after "17-509" insert "which are to be".

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendment to LB 197:
AM0088

1. On page 3, line 14, strike "(a)"; in line 15 strike "(b)" and insert "and"; and in line 16 strike "(c)".

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LEGISLATIVE BILL 352. Placed on General File.

LEGISLATIVE BILL 79. Indefinitely postponed.

LEGISLATIVE BILL 125. Indefinitely postponed.
LEGISLATIVE BILL 190. Indefinitely postponed.
LEGISLATIVE BILL 192. Indefinitely postponed.
LEGISLATIVE BILL 444. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Urban Affairs

LEGISLATIVE BILL 93. Placed on General File.

LEGISLATIVE BILL 73. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 83. Placed on General File as amended.
(Standing Committee amendment, AM0098, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 24CA. Placed on Select File.

LEGISLATIVE BILL 274. Placed on Select File.

LEGISLATIVE BILL 48. Placed on Select File as amended.
E & R amendment to LB 48:
AM7012

1. On page 1, line 2, and page 2, lines 1 and 2 and 23 and 24, strike "Revised Statutes Supplement, 1994" and insert "Reissue Revised Statutes of Nebraska".

Correctly Engrossed

The following bills were correctly engrossed: 15, 16, 25, and 173.

Enrollment and Review Change to LB 25

The following changes, required to be reported for publication in the Journal, have been made:
ER9002

1. In the Crosby amendment, FA9, on page 1, line 1, "to" has been inserted after "access".

2. On page 1, line 3, "ensure" has been struck and "provide" inserted; and in line 5 "ensure full" has been struck and "provide for" inserted.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Jones asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

AM0109

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 77-1601, Revised Statutes Supplement, 1994, is amended to read:

77-1601. The county board of equalization shall each year, on or before September 20, levy the necessary taxes for the current year. Before levying taxes for any other functions of county government, each county shall first levy a tax sufficient to enable the county board to provide medical, surgical, and hospital care for needy persons of the county. After making the levy for such purpose, the county board of equalization shall make the levy of taxes for county purposes. The levy shall include all county taxes necessary to cover the amounts required to be raised by taxation, as provided in the annual budget of the county for the current year, and shall include all township, city, school district, precinct, village, road district, and other taxes required by law to be certified to the county clerk and levied by the county board of equalization. Any such taxes regularly voted and certified to the county assessor, after the county board has made such levy and before the county clerk has completed the tax list, shall be levied by the county board of equalization, if within the limit of the law, and extended upon the tax list. Within thirty days after a levy has been made pursuant to this section, the county board of equalization upon its own motion may act to correct a clerical error which has resulted in the calculation of an incorrect levy.".

RESOLUTION

LEGISLATIVE RESOLUTION 51. Introduced by Wickersham, 49; Bohlke, 33; Schrock, 38.

WHEREAS, Nebraska citizens living in our large, sparsely populated state, clearly understand the significance and long-term benefits of federal investment in an integrated transportation system; and

WHEREAS, Amtrak provides an important transportation option to citizens of many smaller communities inadequately served by air and bus services as well as to those persons with medical conditions which prevent them from flying; and

WHEREAS, Amtrak is energy efficient and environmentally beneficial, consuming about half as much energy per passenger miles as airlines and causing less pollution; and

WHEREAS, Amtrak is nine times safer than driving on a passenger miles basis and operates even in severe weather conditions; and

WHEREAS, expansion of Amtrak service by using existing rail rights-of-way would cost less and use less land than new highways and airports, further increasing Amtrak's energy-efficiency advantage; and

WHEREAS, Amtrak travel rose forty-eight percent from 1982 to 1993 and Amtrak dramatically improved coverage of its operating costs from revenues; and

WHEREAS, from 1982 to 1993 federal spending on Amtrak increased only one percent, while federal spending on highways from non-user taxes increased one hundred thirty-four percent, and federal spending on aviation increased almost two hundred percent; and

WHEREAS, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urge Nebraska's congressional delegation to carefully consider the benefits of Amtrak if federal transportation support dollars must be cut.
2. That the Legislature urge Nebraska's congressional delegation to look to the future and work toward a transportation system that includes a strong Amtrak.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 51 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 750. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 242. No objections. So ordered.

VISITORS

Visitors to the Chamber were Cyd Janssen from Gordon; and eight eighth grade students and sponsor from Petersburg.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, January 30, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTEENTH DAY - JANUARY 30, 1995

LEGISLATIVE JOURNAL

SEVENTEENTH DAY - JANUARY 30, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 30, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Michael McMurtry, St. James Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Engel, Hall, Hartnett, Kristensen, Lindsay, Schrock, Wesely, Will, Mmes. Bohlke, Brown, McKenzie, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 60. Placed on Select File.

LEGISLATIVE BILL 169. Placed on Select File as amended.
E & R amendment to LB 169:
AM7013

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

Correctly Engrossed

The following bills and resolutions were correctly engrossed: 26, 133, 134, 135, 214, 268, LR 4CA, and LR 21CA.

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 215	Monday, February 6, 1995	1:30 p.m.
LB 249	Monday, February 6, 1995	1:30 p.m.
LB 365	Monday, February 6, 1995	1:30 p.m.
LB 382	Monday, February 6, 1995	1:30 p.m.
LB 504	Monday, February 6, 1995	1:30 p.m.
LB 759	Monday, February 6, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Education

Governor Appointment Monday, February 6, 1995 1:15 p.m.
Coordinating Commission for Postsecondary Education
Gretchen Hirschbach

LB 187	Monday, February 6, 1995	1:30 p.m.
LB 241	Monday, February 6, 1995	1:30 p.m.
LB 372	Monday, February 6, 1995	1:30 p.m.
LB 601	Monday, February 6, 1995	1:30 p.m.
LB 674	Monday, February 6, 1995	1:30 p.m.
LR 48	Monday, February 6, 1995	1:30 p.m.
LB 566	Tuesday, February 7, 1995	1:30 p.m.
LB 454	Tuesday, February 7, 1995	1:30 p.m.
LR 29CA	Tuesday, February 7, 1995	1:30 p.m.
LR 33CA	Tuesday, February 7, 1995	1:30 p.m.
LB 349	Monday, February 13, 1995	1:30 p.m.
LB 526	Monday, February 13, 1995	1:30 p.m.
LB 543	Monday, February 13, 1995	1:30 p.m.
LB 638	Monday, February 13, 1995	1:30 p.m.
LB 670	Monday, February 13, 1995	1:30 p.m.
LB 600	Tuesday, February 14, 1995	1:30 p.m.
LB 604	Tuesday, February 14, 1995	1:30 p.m.
LB 624	Tuesday, February 14, 1995	1:30 p.m.
LB 737	Tuesday, February 14, 1995	1:30 p.m.
LR 47CA	Tuesday, February 14, 1995	1:30 p.m.

LB 621	Tuesday, February 21, 1995	1:30 p.m.
LB 623	Tuesday, February 21, 1995	1:30 p.m.
LB 742	Tuesday, February 21, 1995	1:30 p.m.
LB 802	Tuesday, February 21, 1995	1:30 p.m.
LB 547	Tuesday, February 21, 1995	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Appropriations

LB 281	Thursday, February 16, 1995	1:30 p.m.
LB 389	Thursday, February 16, 1995	1:30 p.m.
LB 390	Thursday, February 16, 1995	1:30 p.m.
LB 391	Thursday, February 16, 1995	1:30 p.m.
LB 392	Thursday, February 16, 1995	1:30 p.m.
LB 393	Thursday, February 16, 1995	1:30 p.m.
LB 394	Thursday, February 16, 1995	1:30 p.m.
LB 395	Thursday, February 16, 1995	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 482 in the Journal. No objections. So ordered.

AM0052

1. Strike the original sections and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XVI, section 1:

'XVI-1 The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once, ~~each week for three consecutive weeks,~~ in at least one newspaper in each county~~,~~ where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election ~~said~~ such amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to change publishing requirements for proposed institutional amendments.

For

Against'.".

RESOLUTION

LEGISLATIVE RESOLUTION 50. Read. Considered.

LR 50 was adopted with 21 ayes, 0 nays, and 28 not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 1CA. Mr. Landis renewed the Withem pending amendment, AM0084, found in the Journal on page 512.

The Withem amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 24CA. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 144. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM0133

1. On page 2, line 21, after "If" insert "An employer or a representative of an employer actively recruits any

non-English-speaking persons who reside more than five hundred miles from the place of employment for employment as employees in this state and if".

The Beutler amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
AM0134

1. On page 3, line 5, after "state" insert "and whose workforce is more than ten percent non-English-speaking employees who speak the same non-English language".

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM0136

1. On page 4, line 4, after the first "employee" insert "who has been employed for less than two years"; and in line 6 after "employment" insert "within".

Mr. Beutler withdrew his amendment.

Mrs. Hudkins and Mr. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 119. Placed on General File as amended.
Standing Committee amendment to LB 119:
AM0037

1. On page 2, line 25, strike "a person" and insert "an issuer" and strike the last "a" and insert "its own".

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 501. Placed on General File.
LEGISLATIVE BILL 502. Placed on General File.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 456	Monday, February 6, 1995	1:30 p.m.
LB 599	Monday, February 6, 1995	1:30 p.m.
LB 615	Monday, February 6, 1995	1:30 p.m.
LB 626	Monday, February 6, 1995	1:30 p.m.
LB 279	Tuesday, February 7, 1995	1:30 p.m.
LB 473	Tuesday, February 7, 1995	1:30 p.m.
LB 477	Tuesday, February 7, 1995	1:30 p.m.
LB 489	Tuesday, February 7, 1995	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

AM0075
1. On page 3, strike beginning with "If" in line 14 through line 19.

GENERAL FILE

LEGISLATIVE BILL 20. Mr. Bromm offered the following amendment:
FA10
Strike Sec. 2.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Avery
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Engel
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Witek

Voting in the negative, 17:

Abboud
Beutler
Bohlke
Chambers
Day
Hall
Hartnett
Hillman
Landis
Lindsay
Lynch
Preister
Robak
Schimek
Warner
Wesely
Withem

Present and not voting, 2:

Fisher
Hudkins

Excused and not voting, 5:

Bernard-Stevens
Elmer
McKenzie
Pedersen
Will

The Bromm amendment was adopted with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 152. Advanced to E & R for engrossment.

LEGISLATIVE BILL 17. E & R amendment, AM7009, found in the Journal on page 488, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 49. E & R amendment, AM7007, found in the Journal on page 488, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 202. E & R amendment, AM7008, found in the Journal on page 489, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 22. Advanced to E & R for engrossment.

LEGISLATIVE BILL 52. Advanced to E & R for engrossment.
LEGISLATIVE BILL 127. Advanced to E & R for engrossment.

LEGISLATIVE BILL 19. E & R amendment, AM7010, found in the Journal on page 514, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 161. Advanced to E & R for engrossment.
LEGISLATIVE BILL 159. Advanced to E & R for engrossment.
LEGISLATIVE BILL 239. Advanced to E & R for engrossment.

LEGISLATIVE BILL 48. E & R amendment, AM7012, found in the Journal on page 518, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 28. Mr. Hall renewed his pending amendment, AM0090, found in the Journal on page 511.

Mmes. Bohlke, Stuhr, Crosby, Messrs. Beutler, Vrtiska, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 136. Placed on General File.
LEGISLATIVE BILL 412. Placed on General File.

LEGISLATIVE BILL 182. Placed on General File as amended.
(Standing Committee amendment, AM0095, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 288. Placed on General File as amended.
Standing Committee amendment to LB 288:
AM0117

1. Strike original sections 2 and 3.

2. On page 5, in line 14, strike "sections 76-901, 76-903, and" and insert "section".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 386. Placed on General File as amended.
Standing Committee amendment to LB 386:
AM0116

1. On page 2, strike beginning with "The" in line 20 through "levied" in line 25 and insert "Each county's portion of

the company's total taxable value shall be distributed to every taxing subdivision within the county based on a ratio of each taxing subdivision's value in the county to the total taxable value in the county for all purposes. The valuation".

2. On page 3, line 1, strike "then".

LEGISLATIVE BILL 452. Placed on General File as amended.
Standing Committee amendment to LB 452:
AM0123

1. Insert the following new sections:

"Sec. 14. Section 77-205, Reissue Revised Statutes of Nebraska, is amended to read:

77-205. All general personal property taxes levied for any county, city, village, or other political subdivision therein~~,~~ shall be due and payable on ~~November 1~~ December 31 next following the date of levy thereof, except as provided in section 77-1214, and from that date shall be a first lien upon the personal property of the person to whom assessed until paid.

Sec. 15. Section 77-206, Reissue Revised Statutes of Nebraska, is amended to read:

77-206. One-half of the taxes due under section 77-205 shall become delinquent on ~~December~~ May 1, and the second half on ~~July~~ September 1 next following the date the taxes become due, except that in counties having a population of more than one hundred thousand inhabitants, the first half shall become delinquent April 1, and the section half on August 1 next following the date the taxes become due.

Sec. 28. Based upon the hearings conducted pursuant to sections 77-1502 and 77-1504, a county board of equalization may petition the State Board of Equalization and Assessment to consider an adjustment to a class or subclass of real property within the county. Petitions must be filed with the State Board of Equalization and Assessment on or before July 25. The State Board of Equalization and Assessment shall hear and take action on a petition filed by a county board of equalization on or before August 15. Hearings conducted pursuant to this section shall be in the manner prescribed in section 77-508. The burden of proof is on the petitioning county, which must show that failure to make an adjustment would result in values that are not equitable and in accordance with the law. The State Board of Equalization and Assessment shall recertify the abstract of assessment of any county which has been adjusted by the action of the State Board of Equalization and Assessment pursuant to this section to the county assessor on or before August 15.".

2. On page 21, line 4, strike "May 20", show as stricken, and insert "June 1".

3. On page 28, line 4, strike "aggregate", show as stricken, and insert "average".

4. On page 37, line 8, after the third comma insert

"77-205, 77-206,".

5. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendment to LB 158:
AM0111

1. On page 2, line 18, strike "three" and insert "four".

LEGISLATIVE BILL 270. Placed on General File as amended.
Standing Committee amendment to LB 270:
AM0077

1. On page 2, line 5, strike "county or district" and insert "district or county"; in line 6 strike "sections" and insert "section" and strike "and" and insert "or"; and in line 16 strike "twenty-five" and insert "fifteen".

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendment to LB 271:
AM0110

1. On page 2, lines 4 and 8; page 3, lines 8 and 16; page 4, line 27; and page 5, line 24, strike "Supreme Court" and show as stricken.

2. On page 2, line 5, strike "reports", show as stricken, and insert "Reports".

3. On page 3, line 24, after "Court" insert "and Court of Appeals" and strike "court", show as stricken, and insert "courts".

4. On page 4, line 8, strike "title", show as stricken, and insert "titles" and strike volume", show as stricken, and insert "volumes"; and in line 9 strike "Supreme Court" and after "Reports" insert "and the Nebraska Appellate Reports".

LEGISLATIVE BILL 305. Placed on General File as amended.
Standing Committee amendment to LB 305:
AM0078

1. On page 3, strike lines 6 through 14, show the old matter as stricken, and insert the following new subdivision:

"(d) Shall make every reasonable effort to become familiar with the needs of the protected juvenile which shall include (i) consultation with the juvenile within two weeks after the appointment and once every six months thereafter and (ii) inquiry of caseworkers, foster parents, or other custodians and may include inquiry of others directly involved with the juvenile or who may have information or knowledge about the circumstances which brought the juvenile court action or related cases and the development of the juvenile, including biological parents, physicians, psychologists, teachers, and clergy members;".

LEGISLATIVE BILL 411. Placed on General File as amended.
Standing Committee amendment to LB 411:
AM0072

1. Strike the original sections and insert the following new sections:

"Section 1. Section 25-323, Reissue Revised Statutes of Nebraska, is amended to read:

25-323. The court may determine any controversy between parties before it~~,~~ when it can be done without prejudice to the rights of others~~,~~ or by saving their rights; but when a determination of the controversy cannot be had without the presence of other parties, the court must order them to be brought in.

Any person whose negligence was or may have been a proximate cause of an accident or occurrence alleged by the plaintiff, other than parties who have been released by the plaintiff and are not subject to suit pursuant to section 25-21,185.11, may be brought into the suit by any defendant in the manner provided in section 25-331 or by any plaintiff in the manner provided in sections 25-849 and 25-852.

Sec. 2. Original section 25-323, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 420. Placed on General File as amended.
Standing Committee amendment to LB 420:
AM0079

1. On page 3, line 22, strike "shall" and insert "may" and after "creditor" insert "or assignee"; and on line 25 after "creditor" insert "or assignee".

LEGISLATIVE BILL 177. Indefinitely postponed.
LEGISLATIVE BILL 297. Indefinitely postponed.
LEGISLATIVE BILL 318. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 80. Placed on Select File.
LEGISLATIVE BILL 186. Placed on Select File.

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:
AM7014

1. On page 1, line 2, before "and" insert "60-6,230,".

LEGISLATIVE BILL 82. Placed on Select File.
LEGISLATIVE BILL 41. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following amendment to LB 36 in the Journal. No objections. So ordered.

AM0129

1. Insert the following new sections:

"Sec. 3. Section 18-1909, Reissue Revised Statutes of Nebraska, is amended to read:

18-1909. All original and renewal licenses shall be good for one year or two years from the date of issuance as determined by the plumbing board, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board or of the laws or ordinances relating thereto or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.

Sec. 4. Section 18-1911, Reissue Revised Statutes of Nebraska, is amended to read:

18-1911. The fee for the original license of a journeyman plumber shall be one dollar for a one-year license and two dollars for a two year license. All renewal fees shall be fifty cents for a one-year license and one dollar for a two-year license. All license fees shall be paid, prior to the execution and delivery of the license, to the treasurer of the school district within the city or village for which the license was issued to be used exclusively for the support of the common schools therein.".

2. On page 5, line 10, strike "and 18-1903" and insert ", 18-1903, 18-1909, and 18-1911".

3. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 52. Introduced by Crosby, 29; Wesely, 26; Warner, 25; Beutler, 28; Hudkins, 21.

WHEREAS, a mailing address in the State of Nebraska has been utilized by certain Nebraska residents and other persons to conduct an activity involving the production and dissemination in the United States and abroad of Nazi and neo-Nazi propaganda and paraphernalia; and

WHEREAS, this activity has gained international attention and has caused people in this country and countries abroad to associate the State of Nebraska with these kinds of discredited, discriminatory, and undemocratic ideas and doctrines; and

WHEREAS, because the Nebraska Legislature is convinced that citizens of this state oppose the hateful ideas and doctrines of National Socialism (for the overthrow of which two hundred thousand Americans gave their lives), the Nebraska Legislature wishes to go on record as completely disassociating the State of Nebraska from the activity of such individual or individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That, although the Nebraska Legislature recognizes the rights of individuals in this country to freely speak their minds and to disseminate their ideas under the First Amendment of the United States Constitution, the Nebraska Legislature hereby expresses its firm and unwaivering disagreement with the concepts of Nazism and neo-Nazism and its embarrassment over the good name of the State of Nebraska being in any way associated with the production and dissemination of material favoring such ideas and doctrines.
2. That the Nebraska Legislature hereby officially disassociates the State of Nebraska from the activities of all individuals engaged in the publication or dissemination of Nazi or neo-Nazi propaganda or paraphernalia from or within its state boundaries and expresses its opposition to such activities.
3. The Clerk of the Legislature shall send a copy of this resolution to the Embassy of the Federal Republic of Germany in Washington, D.C., and to Nebraska's United States Congressional Delegation.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 694. No objections. So ordered.

VISITORS

Visitors to the Chamber were 63 high school students and sponsors from Elkhorn; a group from Germany; David Hansen from Papillion; Howard and Dorothy Anderson from York; and 24 high school students and sponsor from Millard Learning Center.

ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Witek, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY - JANUARY 31, 1995

LEGISLATIVE JOURNAL

EIGHTEENTH DAY - JANUARY 31, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Father Donald Hanway, St. Mark's on the Campus Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Coordsen, Cudaback, Elmer, Kristensen, Landis, Lindsay, Lynch, Pedersen, Schrock, Warner, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolutions were correctly engrossed: LR 1CA and LR 24CA.

LEGISLATIVE BILL 96. Placed on Select File.

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendment to LB 163:
AM7015

1. On page 2, line 21, strike "shall also mean", show as stricken, and insert "also means".

LEGISLATIVE BILL 92. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 297. Placed on General File.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

FA11
Amend as follows:
Beginning in line 18, Page 3, strike the words "assist, or accompany" and insert "or assist"

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 50.

GENERAL FILE

LEGISLATIVE BILL 20. Considered.

Mr. Matzke offered the following amendment:
FA12
Strike Section 5 of LB 20, lines 20 to 26, inclusive, Page 4

Mr. Chambers offered the following amendment to the Matzke pending amendment:
FA13
Amend Matzke amendment, FA12, by reinstating subsection (1) of Section 5

Mr. Chambers withdrew his amendment.

Mr. Bromm offered the following amendment to the Matzke pending amendment:
FA14
Amend Senator Matzke amendment by reinstating lines 20 and 21 of Section 5 through the word "misdemeanor".

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

The Matzke amendment, as amended, was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Education

LB 529	Monday, February 27, 1995	1:30 p.m.
LB 542	Monday, February 27, 1995	1:30 p.m.
LB 618	Monday, February 27, 1995	1:30 p.m.
LB 625	Monday, February 27, 1995	1:30 p.m.
LB 523	Monday, February 27, 1995	1:30 p.m.
LB 754	Monday, February 27, 1995	1:30 p.m.
LB 417	Tuesday, February 28, 1995	1:30 p.m.
LB 437	Tuesday, February 28, 1995	1:30 p.m.
LB 622	Tuesday, February 28, 1995	1:30 p.m.
LB 708	Tuesday, February 28, 1995	1:30 p.m.
LB 741	Tuesday, February 28, 1995	1:30 p.m.
Governor Appointment Jane Keller - Educational Lands and Funds	Monday, March 6, 1995	1:15 p.m.
LB 716	Monday, March 6, 1995	1:30 p.m.
LB 733	Monday, March 6, 1995	1:30 p.m.
LB 761	Monday, March 6, 1995	1:30 p.m.
LB 786	Monday, March 6, 1995	1:30 p.m.
LB 780	Monday, March 6, 1995	1:30 p.m.
LB 861	Monday, March 6, 1995	1:30 p.m.
LB 500	Monday, March 6, 1995	1:30 p.m.
LB 651	Tuesday, March 7, 1995	1:30 p.m.
LB 664	Tuesday, March 7, 1995	1:30 p.m.
LB 840	Tuesday, March 7, 1995	1:30 p.m.
LB 845	Tuesday, March 7, 1995	1:30 p.m.
LB 818	Tuesday, March 7, 1995	1:30 p.m.
LR 44CA	Tuesday, March 7, 1995	1:30 p.m.
LB 427	Monday, March 13, 1995	1:30 p.m.
LB 607	Monday, March 13, 1995	1:30 p.m.
LB 740	Monday, March 13, 1995	1:30 p.m.

LB 785	Monday, March 13, 1995	1:30 p.m.
LB 735	Monday, March 13, 1995	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LB 593	Tuesday, February 7, 1995	1:30 p.m.
LB 717	Tuesday, February 7, 1995	1:30 p.m.
LB 194	Tuesday, February 7, 1995	1:30 p.m.
LB 756	Tuesday, February 7, 1995	1:30 p.m.

LB 469	Tuesday, February 14, 1995	1:30 p.m.
LB 591	Tuesday, February 14, 1995	1:30 p.m.
LB 738	Tuesday, February 14, 1995	1:30 p.m.
LB 781	Tuesday, February 14, 1995	1:30 p.m.
LB 782	Tuesday, February 14, 1995	1:30 p.m.
LB 783	Tuesday, February 14, 1995	1:30 p.m.
LB 848	Tuesday, February 14, 1995	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Government, Military and Veterans Affairs

Governor Appointments	Wednesday, February 8, 1995	1:30 p.m.

G. Roderick Anderson - State Personnel Board
Christine M. Harris - State Personnel Board

LB 168	Wednesday, February 8, 1995	1:30 p.m.
LR 7	Wednesday, February 8, 1995	1:30 p.m.
LB 304	Wednesday, February 8, 1995	1:30 p.m.
LB 292	Wednesday, February 8, 1995	1:30 p.m.

LB 381	Thursday, February 9, 1995	1:30 p.m.
LB 453	Thursday, February 9, 1995	1:30 p.m.
LB 306	Thursday, February 9, 1995	1:30 p.m.
LB 380	Thursday, February 9, 1995	1:30 p.m.

LB 308	Friday, February 10, 1995	1:30 p.m.
LB 199	Friday, February 10, 1995	1:30 p.m.
LB 408	Friday, February 10, 1995	1:30 p.m.
LB 567	Friday, February 10, 1995	1:30 p.m.
LB 568	Friday, February 10, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Executive Board

LR 16	Tuesday, February 7, 1995	12:00 Noon
LB 728	Tuesday, February 7, 1995	12:00 Noon
LB 508	Wednesday, February 15, 1995	12:00 Noon
LB 509	Wednesday, February 15, 1995	12:00 Noon

(Signed) Tim Hall, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 334. Placed on General File as amended.
Standing Committee amendment to LB 334:
AM0151

1. Strike original section 1 and insert the following new section:

"Section 1. Section 48-649, Revised Statutes Supplement, 1994, is amended to read:

48-649. The commissioner shall, for each calendar year, determine the combined tax rate applicable to each employer on the basis of his or her actual experience in the payment of contributions and with respect to benefits charged against his or her separate experience account, in accordance with the following requirements:

(1) Commencing January 1, 1996, the commissioner shall, in April or May, for each calendar year, and based upon information available through the department, determine the state unemployment insurance tax rate for the following year. The state unemployment insurance tax rate shall be zero percent if:

(a) The minimum reserve ratio for the lowest combined tax rate exceeds ten and five-tenths percent for the current year;

(b) The average balance in the State Unemployment Insurance Trust Fund at the end of any three months in the preceding calendar year is greater than one percent of state taxable wages for the same preceding year;

(c) The balance in the State Unemployment Insurance Trust Fund equals or exceeds thirty percent of the average month end balance of the state's account in the Unemployment Trust Fund for the three lowest calendar months in the preceding year; or

(d) The state advisory council determines that a zero percent state unemployment insurance tax rate is in the best interests of preserving the integrity of the state's account in the Unemployment Trust Fund;

(2) If the state unemployment insurance tax rate is not zero percent as determined in this section, the combined tax rate shall be divided so that eighty percent of the combined tax rate

equals the contribution rate and twenty percent of the combined tax rate equals the state unemployment insurance tax rate except for employers who are assigned the five and four-tenths percent combined tax rate. For those employers, the state unemployment insurance tax rate shall equal zero and their combined tax rate shall equal their contribution rate. When the state unemployment insurance tax rate is determined to be zero percent pursuant to subdivision (1) of this section, the contribution rate for all employers shall equal one hundred percent of the combined tax rate;

(3) An employer's contribution rate shall be three and five-tenths percent of his or her annual payroll and for calendar years beginning 1996 an employer's combined tax rate shall be three and five-tenths percent of his or her annual payroll unless and until (a) benefits have been payable from and chargeable to his or her experience account throughout the preceding one calendar year and (b) contributions have been payable to the fund and credited to his or her experience account with respect to the two preceding calendar years. Subject to fair and reasonable rules and regulations of the commissioner issued with due regard for the solvency of the fund, the combined tax rate required of each employer who meets the requirements of subdivisions (a) and (b) of this subdivision shall be based directly on his or her contributions to and benefit experience of his or her experience account and shall be determined by the commissioner for each calendar year at its beginning. Such rate shall not be greater than three and five-tenths percent of his or her annual payroll if his or her experience account exhibits a positive balance as of the beginning of such calendar year, but for any employer who has been subject to the payment of contributions for ~~the~~ any two preceding calendar years, regardless of whether such years are consecutive, and whose experience account exhibits a negative balance as of the beginning of such calendar year, the rate shall be greater than three and five-tenths percent of his or her annual payroll but not greater than five and four-tenths percent of his or her annual payroll until such time as the experience account exhibits a positive balance, and thereafter the rate shall not be greater than three and five-tenths percent of his or her annual payroll. The standard rate shall be five and four-tenths percent of the employer's annual payroll. As used in this subdivision, standard rate shall mean the rate from which all reduced rates are calculated;

(4) Any employer may at any time make voluntary contributions, additional to the required contributions, to the fund to be credited to his or her account. Voluntary contributions received after March 10 of any year shall not be used in rate calculations for the same calendar year;

(5) As used in sections 48-648 to 48-654, the term payroll shall mean the total amount of wages during a calendar year, except as otherwise provided in section 48-654, by which the

combined tax was measured; and

(6)(a) The state or any of its instrumentalities shall make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of the state or any of its instrumentalities. The commissioner after the end of each calendar quarter shall notify any state instrumentality or other public employer of the amount of regular benefits and one-half the amount of extended benefits paid that are attributable to service in its employment and the instrumentality or public employer so notified shall reimburse the fund within thirty days after receipt of such notice; (b) after December 31, 1977, the state or any of its political subdivisions and any instrumentality of one or more of the foregoing or any other governmental entity for which services in employment as is provided by subdivision (4)(a) of section 48-604 are performed shall be required to pay contributions and after December 31, 1996, combined tax on wages paid for services rendered in its or their employment on the same basis as any other employer who is liable for the payment of combined tax under the Employment Security Law, unless the state or any political subdivision thereof and any instrumentality of one or more of the foregoing or any other governmental entity for which such services are performed files with the commissioner its written election not later than January 31, 1978, or if such employer becomes subject to this section after January 1, 1978, not later than thirty days after such subjectivity begins, to become liable to make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer prior to December 31, 1978, and in an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer after January 1, 1979. Eligible employers electing to make payments in lieu of contributions shall not be liable for state unemployment insurance tax payments. The commissioner, after the end of each calendar quarter, shall notify any such employer that has so elected of the amount of benefits for which it is liable to pay pursuant to its election that have been paid that are attributable to service in its employment and the employer so notified shall reimburse the fund within thirty days after receipt of such notice; and (c) any employer which makes an election in accordance with subdivision (b) of this subdivision to become liable for payments in lieu of contributions shall continue to be liable for payments in lieu of contributions for all benefits paid based upon wages paid for service in employment of such employer while such election is effective and such election shall continue until such employer files with the commissioner, not later than December 1 of any calendar year, a written notice terminating its election as of December 31 of that year and thereafter such employer shall again be liable for the payment of contributions and for the reimbursement of such benefits as may be paid based upon wages paid for services in employment of such employer while such election was effective.".

(Signed) Chris Abboud, Chairperson

Revenue

LEGISLATIVE RESOLUTION 3CA. Placed on General File as amended.

Standing Committee amendment to LR 3CA:

AM0147

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 28:

IV-28 '~~A Tax Commissioner~~ By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor ~~with the advice and consent of the Senate. He~~ as provided by law. The commission shall have ~~jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have~~ power to review and equalize assessments of property for taxation within the state~~. He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His term~~ The terms of office and compensation of members of the commission shall be as provided by law.

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to establish and provide powers and duties for the Tax Equalization and Review Commission, to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer, and to provide for appointment of a Tax Commissioner and provide for powers and duties.

For
Against'.".

(Signed) Jerome Warner, Chairperson

General Affairs

LEGISLATIVE BILL 72. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Natural Resources

LEGISLATIVE BILL 94. Placed on General File.
LEGISLATIVE BILL 147. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendment to LB 259:
AM0054

1. On page 6, line 28, strike beginning with the first comma through the underscored comma and show the old matter as stricken.

2. On page 7, line 1, strike "opposum," and show as stricken; in lines 1 and 2 strike the new matter; and in line 4 after the period insert "This section shall not be construed to allow such farmer or rancher to destroy or have destroyed species which are protected by the provisions of Chapter 37, article 3, the Nongame and Endangered Species Conservation Act, the federal Endangered Species Act, as amended, 16 U.S.C. 1531 to 1544, the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 to 667d, the federal Bald Eagle Protection Act, as amended, 16 U.S.C. 668 to 668d, the federal Migratory Bird Treaty Acts, as amended, 16 U.S.C. 701 to 718j, or rules and regulations promulgated pursuant to such acts and chapter.".

LEGISLATIVE BILL 296. Placed on General File as amended.
Standing Committee amendment to LB 296:
AM0053

1. Strike original sections 2 and 3.

2. Renumber the remaining sections accordingly.

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 885. Introduced by Day, 19, at the request of the Governor.

A BILL FOR AN ACT relating to labor; to amend sections 48-1601 to 48-1603, 48-1605 to 48-1615, 81-401, and 81-1201.10, Reissue Revised Statutes of Nebraska; to rename and change provisions relating to the Nebraska Job Training Act; to authorize the Governor to appoint a state agency to administer the act; to state findings; to add powers; to harmonize provisions; and to repeal the original sections.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Mary Ann Harry - Nebraska Arts Council
Donna Williams - Nebraska Arts Council
Gail Yanney - Nebraska Arts Council
Riley George - State Electrical Board
John McCafferty - State Electrical Board
Frank McGill - Nebraska Advisory Committee on Compulsive Gambling
Susan Parascand - Nebraska Advisory Committee on Compulsive Gambling

Voting aye: Senators Cudaback, Elmer, Hall, Hartnett, Hudkins, Schellpeper, and Will. Not voting: none. Absent: Senator Robinson.

(Signed) Stan Schellpeper, Chairperson

GENERAL FILE

LEGISLATIVE BILL 20. Mr. Chambers offered the following amendment:
AM0155

1. Strike the Bromm amendment, FA10.
2. On page 2, line 25, after "employed" insert "in order that information is given and questions answered relative to the terms, conditions, and daily responsibilities of employment"; and in line 27 strike "primary".

MR. HALL PRESIDING

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud
Bernard-Stevens
Beutler
Bohlke
Chambers
Day
Fisher
Hall
Hartnett
Hillman
Kristensen
Landis
Lindsay
Lynch
McKenzie
Preister
Robak
Schimek
Warner
Wesely
Wickersham
Withem

Voting in the negative, 20:

Avery
Brashear
Bromm
Coordsen
Dierks
Elmer
Engel
Hudkins
Janssen
Jones
Matzke
Maurstad
Pirsch
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Present and not voting, 4:

Brown
Crosby
Cudaback
Schmitt

Excused and not voting, 3:

Jensen
Pedersen
Will

The Chambers amendment lost with 22 ayes, 20 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke offered the following amendment:
FA15

Amend Section 3, Page 4 line 6 to add the word "within" following the word "employment" and on line 8 to add the word "within" following the word "transportation."

The Bohlke amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment:
FA16

Amend by inserting Section (6) to Section 1 as follows:

(6) Actively recruits shall mean soliciting prospective employees, directly or through an agent, by personal contact, or by providing transportation from the site of recruitment to this state.

Mr. Bromm withdrew his amendment.

Mr. Lindsay offered the following amendment:
FA17
Amend as follows:
1. On page 4, line 8 strike "at least" and insert "not more than"
2. On page 4, line 9 after "employment" insert "with the employer which recruited the employee".

The Lindsay amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 137. Title read. Considered.

Standing Committee amendment, AM0017, found in the Journal on page 503, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 343. Title read. Considered.

Standing Committee amendment, AM0044, found in the Journal on page 464, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 64. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Messrs. Landis and Fisher asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 124. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 179. Title read. Considered.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 77. Placed on General File as amended.
Standing Committee amendment to LB 77:
AM0159

1. On page 5, line 13, after the second "employee" insert "of a temporary help firm"; and in line 14 strike "a" and insert "such".

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendment to LB 216:
AM0160

1. On page 2, line 15, after the second "to" insert "(1)"; in line 18 after "product" insert "or (2) a religious corporation, association, or society with respect to employees who (a) perform work connected with the carrying on of the religious activities of the corporation, association, or society or (b) are employed in a school connected with the corporation, association, or society"; and in line 25 after "policy" insert ", plan, or program".

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 222. Placed on General File as amended.
Standing Committee amendment to LB 222:
AM0119

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, after line 25 insert the following new paragraph:

"The changes made to this section by this legislative bill apply to any action pending on the effective date of this section or filed on or after such date.".

(Signed) John Lindsay, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendment to LB 369:
AM0138

1. On page 4, line 13, after the period insert "For purposes of this subsection, leave with pay shall mean a day off paid by the employer and shall not mean vacation, sick, personal, or compensatory time."; and in line 15 after the first "employee" insert "and shall be at the discretion of the employer".

(Signed) William R. Wickersham, Chairperson

Health and Human Services

LEGISLATIVE BILL 121. Placed on General File as amended.
Standing Committee amendment to LB 121:
AM0149

1. On page 2, line 9, strike "fifty" and insert "ten"; in line 16 strike "pursuant to section 83-108"; and strike beginning with "pursuant" in line 17 through "83-906" in line 18.

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendment to LB 366:
AM0039

1. Strike the original sections 5, 6, and 7.
2. On page 13, line 19, strike "sections" and insert "section"; and in line 20 strike beginning with "71-1628" through the fourth comma.
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 401. Placed on General File as amended.
Standing Committee amendment to LB 401:
AM0150

1. On page 8, line 18; page 13, line 22; and page 19, line 19, strike "Assistance" and insert "Subsidy".
2. On page 11, lines 17 to 20, strike the new matter; in line 23 after the period insert "The Governor shall appoint the chairperson of the coordinating committee. The chairperson shall not be from the Department of Social Services or from the State Department of Education."; and in line 25 strike "co-chairs" and insert "chairperson of the coordinating committee".
3. On page 12, line 4, strike "secretarial" and insert

"administrative".

4. On page 14, line 28, after the comma insert "state accreditation, program compliance with immunization reporting requirements pursuant to section 71-1913,".

5. On page 15, line 1, after "shall" insert "contain the following data from the child care complaint tracking system: Complaints by license type; allegations and substantiations by licensing rule and by county; and negative licensing actions by the Department of Social Services, including suspensions, probationary licenses issued, revocations, denials, and emergency orders. The report shall".

6. On page 18, line 18, after the stricken period insert "A recipient of a grant shall not be eligible for a grant more than once in a three-year period."; in line 26 strike "shall" and insert "may"; and in line 27 after "promulgate" insert "reasonable".

7. On page 27, line 1, strike "Child care program" and insert "Program"; and strike line 9 and insert "a public school district;".

LEGISLATIVE BILL 402. Placed on General File as amended.
Standing Committee amendment to LB 402:
AM0156

1. On page 2, line 13, after the underscored period insert "The department may issue a time-limited, nonrenewable probationary license to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant."; in line 16 after "nonprovisional" insert "and nonprobationary"; in line 26 after the period insert "For the issuance or renewal of each nonprovisional and nonprobationary license, the department shall charge a fee of fifty dollars for a group home, fifty dollars for a child-caring agency, and fifty dollars for a child-placing agency."; and in line 27 strike "or renewal" and show as stricken and after "each" insert "provisional license and each probationary license".

LEGISLATIVE BILL 32. Indefinitely postponed.
LEGISLATIVE BILL 255. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 844	Tuesday, February 7, 1995	12:30 p.m.
LB 847	Tuesday, February 7, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

Appropriations

LB 211 Tuesday, February 21, 1995 1:30 p.m.
LB 870 Tuesday, February 21, 1995 1:30 p.m.

Tuesday, February 21, 1995, Room 1520 1:30 p.m.
Agency 60 - Nebraska Gasohol Committee
Agency 55 - Natural Resources Commission
Agency 39 - Nebraska Brand Committee
Agency 18 - Department of Agriculture (Potato Board)
Agency 18 - Department of Agriculture (Poultry/Egg)
Agency 56 - Nebraska Wheat Board
Agency 86 - Nebraska Dry Bean Board
Agency 88 - Nebraska Corn Board
Agency 91 - Nebraska Soybean Board
Agency 92 - Nebraska Grain Sorghum Board

Wednesday, February 22, 1995, Room 1003 1:30 p.m.
Agency 22 - Department of Insurance
Agency 36 - Nebraska Racing Commission
Agency 21 - State Fire Marshal
Agency 30 - State Electrical Board
Agency 57 - Nebraska Oil and Gas Commission
Agency 74 - Power Review Board

Thursday, February 23, 1995, Room 1003 1:30 p.m.
Agency 75 - Nebraska Investment Council
Agency 85 - Employees Retirement Board
Agency 67 - Equal Employment Opportunity Commission
Agency 77 - Commission on Industrial Relations
Agency 37 - Workers' Compensation Commission
Agency 23 - Department of Labor

Friday, February 24, 1995, Room 1003 1:30 p.m.
Agency 40 - Motor Vehicle Dealers Licensing Board
Agency 45 - Board of Barber Examiners
Agency 58 - Board of Engineers and Architects
Agency 66 - Board of Examiners Abstracters
Agency 73 - Board of Landscape Architects
Agency 41 - Real Estate Commission
Agency 53 - Real Estate Appraisers Board
Agency 63 - Board of Public Accountancy

Monday, February 27, 1995, Room 1520 1:30 p.m.
Agency 68 - Mexican-American Commission
Agency 76 - Nebraska Indian Commission
Agency 71 - Department on Aging
Agency 20 - Department of Health

Health Prevention Services Block Grant (Department of Health)
Maternal and Child Health Block Grant (Department of Health)
Primary Care Block Grant (Department of Health)

Tuesday, February 28, 1995, Room 1520 1:30 p.m.
Agency 13 - Department of Education
Agency 82 - Commission on Hearing Impaired
Agency 69 - Nebraska Arts Council
Agency 34 - Nebraska Library Commission

Wednesday, March 1, 1995, Room 1003 1:30 p.m.
Agency 19 - Department of Banking
Agency 32 - Educational Lands and Funds
Agency 62 - Board of Examiners for Land Surveyors
Agency 16 - Department of Revenue
Agency 87 - Political Accountability/Disclosure Commission
Agency 65 - Department of Administrative Services

Thursday, March 2, 1995, Room 1003 1:30 p.m.
Agency 24 - Department of Motor Vehicles
Agency 17 - Department of Aeronautics
Agency 90 - Nebraska Railway Council
Agency 27 - Department of Roads

LB 89	Monday, March 6, 1995	1:30 p.m.

Monday, March 6, 1995, Room 1520 1:30 p.m.
Agency 47 - Educational Telecommunications Commission (NEB*SAT)
Agency 83 - Technical Community Colleges
Agency 50 - Nebraska State Colleges

LB 29	Tuesday, March 7, 1995	1:30 p.m.
LB 628	Tuesday, March 7, 1995	1:30 p.m.
LB 650	Tuesday, March 7, 1995	1:30 p.m.

Tuesday, March 7, 1995, Room 1520 1:30 p.m.
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 51 - University of Nebraska

(Signed) Roger R. Wehrbein, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 52 was referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Messrs. Beutler and Landis asked unanimous consent to print the following amendment to LB 96 in the Journal. No objections. So ordered.

AM0164

1. On page 3, strike beginning with "accredited" in line 23 through "director" in line 24 and insert "individual accredited investor"; and in line 25 after "capacity" insert ". For purposes of this subdivision, the term "individual accredited investor" means (a) any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer, (b) any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his or her purchase, exceeds one million dollars, or (c) any natural person who had an individual income in excess of two hundred thousand dollars in each of the two most recent years or joint income with that person's spouse in excess of three hundred thousand dollars in each of those years and has a reasonable expectation of reaching the same income level in the current year".

Mr. Landis asked unanimous consent to print the following amendment to LB 20 in the Journal. No objections. So ordered.

AM0169

1. Insert the following new section:

"Sec. 6. Any person aggrieved as a result of a violation of this act may petition the district court for injunctive relief pursuant to the rules of civil procedure.".

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 222. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LR 52. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 195. No objections. So ordered.

VISITORS

Visitors to the Chamber were 24 LEAD Fellows of LEAD Group from across Nebraska; John, Emily, and T. J. Strawn from Papillion; Marlyn and Betty Low from Battle Creek; Bill Meyer from Pierce; Raymond and Virginia Rieker from Eustis; and Megumi Takahashi from St. Paul, Sue Tsunasawa from Tokyo, Japan, and Monna Milner from Imperial.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINETEENTH DAY - FEBRUARY 1, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Landis, Matzke, Will, Ms. Day, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17, 19, 22, 48, 49, 52, 127, 152, 159, 161, 202, and 239.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 307. Placed on General File.

LEGISLATIVE RESOLUTION 27CA. Placed on General File.

(Signed) Timothy J. Hall, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 676 and the referral of legislative bill 885 and legislative resolutions 51 and 52.

LB	Committee
676	Education
885	Business and Labor

LR	Committee
51	Transportation
52	Judiciary

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE RESOLUTION 3CA. Read. Considered.

Standing Committee amendment, AM0147, found in the Journal on page 543, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 179. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 234. Considered.

Mrs. Hudkins offered the following amendment:
AM0173

1. On page 2, after line 9 insert the following: "The changes made to this section by this legislative bill shall not apply to any person who is sentenced for a criminal act committed prior to the effective date of this act.".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hudkins amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Witek offered the following amendment:
FA18
Sect. 1, line 4 - strike shall insert may
line 7 strike shall insert may
line 9 after sentencing, delete the period and add "at the discretion of the sentencing judge"

Ms. Day, Mmes. Bohlke, Hillman, Messrs. Cudaback, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lindsay requested a roll call vote on the Witek amendment.

Voting in the affirmative, 2:

Jensen
Witek

Voting in the negative, 25:

Avery
Brashear
Bromm
Brown
Chambers
Crosby
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Preister
Robak
Schimek
Wesely
Withem

Present and not voting, 11:

Bernard-Stevens
Coordsen
Dierks
Jones
Maurstad
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska

Absent and not voting, 1:

Warner

Excused and not voting, 10:

Abboud
Beutler
Bohlke
Cudaback
Day
Hillman
Pirsch
Wehrbein
Wickersham
Will

The Witek amendment lost with 2 ayes, 25 nays, 11 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Brashear offered the following amendment:
AM0179

1. On page 2, line 9, after the period insert "This section shall be known from this time on as the Omnibus Criminal Population Control and Property Tax Control Act.".

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Brashear withdrew his amendment.

Mr. Lindsay moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Jensen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Bernard-Stevens
Brashear
Brown
Chambers
Day
Elmer
Hall
Hartnett
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schimek
Wesely
Withem

Voting in the negative, 16:

Abboud
Avery
Bromm
Coordsen
Dierks
Engel
Hudkins
Janssen
Jensen
Jones
Kristensen
Schellpeper
Schrock
Stuhr
Vrtiska
Witek

Present and not voting, 3:

Crosby
Fisher
Schmitt

Excused and not voting, 9:

Beutler
Bohlke
Cudaback
Hillman
Pirsch

Warner Wehrbein Wickersham Will

Failed to advance to E & R for review with 21 ayes, 16 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 97. Placed on Select File as amended.
E & R amendment to LB 97:
AM7018

1. On page 3, line 10, after "his" insert "or her".

2. On page 11, line 14; and page 13, line 26, after "5" insert "of this article".

3. On page 27, line 6, strike "Statutes" and insert "Statute"; and in line 14 strike "certificate" and insert "certificated".

4. On page 48, line 22, after "account" insert an underscored semicolon.

5. On page 58, line 13, strike "this legislative bill takes effect" and insert "the operative date of this act"; in lines 15, 19 and 20, and 26 and 27, strike "date this legislative bill takes effect" and insert "operative date of this act"; and in line 23 strike "effective date" and insert "operative date of this act".

6. On page 65, lines 14 and 20, strike "subparagraphs" and insert "subparagraph".

7. On page 66, line 2, strike "debt or" and insert "debtor".

8. On page 76, line 26, strike "1943," and show as stricken.

9. On page 80, line 9, strike ", 1943;", show as stricken, and insert an underscored semicolon.

10. On page 84, line 6, reinstate the first stricken comma.

LEGISLATIVE BILL 76. Placed on Select File.
LEGISLATIVE BILL 162. Placed on Select File.
LEGISLATIVE BILL 86. Placed on Select File.

LEGISLATIVE BILL 144. Placed on Select File as amended.
E & R amendment to LB 144:
AM7016

1. On page 1, line 2, after "Act" insert "; and to provide a termination date".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 326. Placed on General File.

(Signed) David Landis, Chairperson

Agriculture

LEGISLATIVE BILL 105. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

Transportation

LEGISLATIVE BILL 461. Placed on General File.

LEGISLATIVE BILL 481. Placed on General File as amended.
Standing Committee amendment to LB 481:
AM0188

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 14, strike "April 1", show as stricken, and insert "September 30"; and in lines 14 and 15, strike the new matter and reinstate the stricken matter.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Wednesday, March 8, 1995, Room 1003 1:30 p.m.
Agency 14 - Public Service Commission
Agency 11 - Attorney General
Agency 05 - Supreme Court
Agency 78 - Commission on Law Enforcement and Criminal Justice

Thursday, March 9, 1995, Room 1003 1:30 p.m.
Agency 38 - Commission on the Status of Women
Agency 35 - Liquor Control Commission
Agency 64 - Nebraska State Patrol
Agency 15 - Board of Pardons and Parole
Agency 46 - Department of Correctional Services
  (1) Adult Corrections
  (2) Office of Juvenile Services

LB 62	Thursday, March 9, 1995	1:30 p.m.
LB 110	Thursday, March 9, 1995	1:30 p.m.
LB 720	Thursday, March 9, 1995	1:30 p.m.
LB 33	Friday, March 10, 1995	1:30 p.m.
LB 311	Friday, March 10, 1995	1:30 p.m.
LB 325	Friday, March 10, 1995	1:30 p.m.
LB 722	Friday, March 10, 1995	1:30 p.m.
LR 25CA	Friday, March 10, 1995	1:30 p.m.
LB 429	Wednesday, March 15, 1995	1:30 p.m.
LB 796	Thursday, March 16, 1995	1:30 p.m.
LB 587	Monday, March 13, 1995	1:30 p.m.
LB 116	Tuesday, March 14, 1995	1:30 p.m.
LB 580	Tuesday, March 14, 1995	1:30 p.m.

Monday, March 13, 1995, Room 1520 1:30 p.m.
Agency 28 - Department of Veterans' Affairs
Agency 25 - Department of Public Institutions
Alcohol, Drug Abuse, Mental Services Block Grant
(Department of Public Institutions)

Tuesday, March 14, 1995, Room 1520 1:30 p.m.
Agency 70 - Foster Care Review Board
Agency 26 - Department of Social Services

Wednesday, March 15, 1995, Room 1003 1:30 p.m.
Agency 52 - State Board of Agriculture (State Fair Board)
Agency 18 - Department of Agriculture
Agency 29 - Department of Water Resources
Agency 84 - Department of Environmental Quality

Thursday, March 16, 1995, Room 1003 1:30 p.m.
Agency 31 - Military Department
Agency 33 - Game and Parks Commission
Agency 54 - State Historical Society
Agency 72 - Department of Economic Development
Community Development Block Grant
(Department of Economic Development)

Tuesday, March 21, 1995, Room 1003 1:30 p.m.
Agency 07 - Governor
Agency 08 - Lieutenant Governor
Agency 09 - Secretary of State
Agency 12 - State Treasurer

Agency 10 - Auditor of Public Accounts
Agency 03 - Legislative Council

(Signed) Roger R. Wehrbein, Chairperson

Natural Resources

LB 50	Wednesday, February 8, 1995	1:30 p.m.
LR 35	Wednesday, February 8, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 886. Introduced by Hall, 7, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Labor; to amend sections 13-1102, 20-113, 20-139 to 20-141, 20-143, 20-305, 20-336, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, 48-1122 to 48-1126, and 81-401, Reissue Revised Statutes of Nebraska; to provide duties and change provisions relating to the Equal Opportunity Commission; to create and provide duties for the Department of Labor; to change provisions relating to the Nebraska Fair Employment Practices Act, the Nebraska Fair Housing Act, and sections relating to public accommodations discrimination; to eliminate the Act Prohibiting Unjust Discrimination in Employment Because of Age and provisions relating to discriminatory wage practices based on sex; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM0127

1. Strike original section 4 and renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 65. Mr. Fisher moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 53. Title read. Considered.

Standing Committee amendment, AM0089, found in the Journal on page 514, was considered.

MRS. CROSBY PRESIDING

Mr. Robinson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Standing Committee amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. HALL PRESIDING

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 36. Title read. Considered.

Standing Committee amendment, AM0069, found in the Journal on page 516, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Maurstad renewed his pending amendment, AM0129, found in the Journal on page 533.

Mr. Maurstad moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting,

Mrs. Stuhr, Messrs. Pedersen, and Dierks asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 196. Title read. Considered.

Standing Committee amendment, AM0087, found in the Journal on page 517, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Standing Committee amendment, AM0088, found in the Journal on page 517, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

AM0195

1. Insert the following new section:

"Sec. 11. Section 8-157, Revised Statutes Supplement, 1994, is amended to read:

8-157. (1) Except as provided in subsections (2) through (9) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2)(a) With the approval of the director, any bank may maintain an attached branch bank if such branch bank is physically connected by a pneumatic tube or tubes or a walkway, a tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office.

(b) With the approval of the director, any bank located in a Class I or Class III county may establish and maintain in Class I and Class III counties an unlimited number of detached branch banks at which all banking transactions allowed by law may be made.

(c) With the approval of the director, any bank located in a Class II county may establish and maintain not more than nine detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located, or if the bank is located within the zoning jurisdiction of a city of the primary class or ~~is~~ if the bank was in existence on April 3, 1991, and has since that date been continuously located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such detached branch banks may also be within the corporate limits of such city.

(d) With the approval of the director, any bank located in a Class IV county may establish and maintain not more than six detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located.

(e) Any detached branch bank established and maintained by a bank pursuant to an acquisition or merger under sections 8-1506 to 8-1510 or an acquisition under section 8-1515 shall not count against the number of locations of detached branch banks permitted under this subsection.

(f) For purposes of this section:

(i) Class I county shall mean a county in this state with a population of three hundred thousand or more as determined by the most recent federal decennial census;

(ii) Class II county shall mean a county in this state with a population of at least two hundred thousand and less than three hundred thousand as determined by the most recent federal decennial census;

(iii) Class III county shall mean a county in this state with a population of at least one hundred thousand and less than two hundred thousand as determined by the most recent federal decennial census; and

(iv) Class IV county shall mean a county in this state with a population of less than one hundred thousand as determined by the most recent federal decennial census.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than eighteen months and the acquired institution and its detached branch banks are converted to detached branch banks of the acquiring bank. Such branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. If the acquired institution is in a Class I county or in a Class III county, following a purchase or merger

pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(b) of this section if the purchase or merger had not occurred. If the acquired institution is in a Class II county and it has not established nine detached branch banks as permitted by subdivision (2)(c) of this section, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(c) of this section if the purchase or merger had not occurred. If the acquired institution is in a Class IV county and it has not established six detached branch banks as permitted by subdivision (2)(d) of this section, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(d) of this section if the purchase or merger had not occurred.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska if:

(a) The acquired detached branch bank has been approved for more than eighteen months;

(b) The acquired detached branch bank is converted to a detached branch bank of the acquiring bank; and

(c) The bank from which the detached branch bank is acquired and the acquiring bank are subsidiaries of the same bank holding company or the detached branch bank to be acquired was chartered as a bank prior to becoming a detached branch bank.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached branch banks of the acquired bank as detached branch banks of the acquiring bank.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if:

(a) The acquired detached branch bank or eligible savings association is converted to a detached branch bank of the acquiring bank; and

(b) The detached branch bank or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached branch banks of the acquired bank as detached branch banks of the acquiring bank.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to a detached branch bank of the acquiring bank.

(7) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached branch bank by any bank located within Nebraska.

For purposes of this subsection:

(a) An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machine transactions.

(8) The name given to any detached branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created detached branch bank and is located in the same municipality. The name of such newly created detached branch bank shall be approved by the director.

(9) A bank which has a main chartered office or approved

branch bank located in the State of Nebraska may, through any of its executive officers, including executive officers licensed as such pursuant to section 8-139, or designated agents, conduct a loan closing at a location other than the place of business specified in the bank's charter or any detached branch thereof. The director may adopt and promulgate rules and regulations to implement the provisions of this section.".

2. On page 15, line 10, strike "section" and insert "sections 8-157 and".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 20 in the Journal. No objections. So ordered.

AM0155

1. Strike the Bromm amendment, FA10.

2. On page 2, line 25, after "employed" insert "in order that information is given and questions answered relative to the terms, conditions, and daily responsibilities of employment"; and in line 27 strike "primary".

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Governor Appointments Wednesday, February 8, 1995 1:30 p.m.
Marcia Freer - Rural Health Advisory Committee
Dr. Michael Sitorius - Rural Health Advisory Committee
Dr. Richard Tempero - State Board of Health

LB 496	Wednesday, February 8, 1995	1:30 p.m.
LB 172	Wednesday, February 8, 1995	1:30 p.m.
LB 262	Wednesday, February 8, 1995	1:30 p.m.
LB 442	Wednesday, February 8, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LB 528	Wednesday, February 8, 1995	6:30 p.m.
LB 368	Wednesday, February 8, 1995	6:30 p.m.
LB 710	Wednesday, February 8, 1995	6:30 p.m.
LB 378	Wednesday, February 8, 1995	6:30 p.m.
LB 521	Wednesday, February 8, 1995	6:30 p.m.

(Signed) William R. Wickersham, Chairperson

Judiciary

LB 128	Wednesday, February 8, 1995	1:30 p.m.
LB 313	Wednesday, February 8, 1995	1:30 p.m.
LB 371	Wednesday, February 8, 1995	1:30 p.m.
LB 491	Wednesday, February 8, 1995	1:30 p.m.
LB 493	Wednesday, February 8, 1995	1:30 p.m.
LB 787	Wednesday, February 8, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

Revenue

LB 693	Wednesday, February 8, 1995	1:30 p.m.
LB 596	Wednesday, February 8, 1995	1:30 p.m.
LB 574	Wednesday, February 8, 1995	1:30 p.m.
LB 227	Wednesday, February 8, 1995	1:30 p.m.
LR 39CA	Wednesday, February 8, 1995	1:30 p.m.
LB 613	Thursday, February 9, 1995	1:30 p.m.
LB 364	Thursday, February 9, 1995	1:30 p.m.
LB 490	Thursday, February 9, 1995	1:30 p.m.
LB 527	Thursday, February 9, 1995	1:30 p.m.
LB 549	Thursday, February 9, 1995	1:30 p.m.
LB 675	Thursday, February 9, 1995	1:30 p.m.
LB 295	Friday, February 10, 1995	1:30 p.m.
LB 663	Friday, February 10, 1995	1:30 p.m.
LB 228	Friday, February 10, 1995	1:30 p.m.
LB 724	Friday, February 10, 1995	1:30 p.m.
LB 278	Friday, February 10, 1995	1:30 p.m.
LB 362	Friday, February 10, 1995	1:30 p.m.
LB 31	Wednesday, February 15, 1995	1:30 p.m.
LB 488	Wednesday, February 15, 1995	1:30 p.m.
LB 692	Wednesday, February 15, 1995	1:30 p.m.
LB 682	Wednesday, February 15, 1995	1:30 p.m.
LB 760	Wednesday, February 15, 1995	1:30 p.m.
LB 208	Thursday, February 16, 1995	1:30 p.m.
LB 106	Thursday, February 16, 1995	1:30 p.m.
LB 95	Thursday, February 16, 1995	1:30 p.m.
LB 677	Thursday, February 16, 1995	1:30 p.m.
LB 706	Thursday, February 16, 1995	1:30 p.m.
LB 707	Thursday, February 16, 1995	1:30 p.m.
LB 379	Thursday, February 16, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 109. Placed on General File as amended.
Standing Committee amendment to LB 109:
AM0140

1. On page 35, line 26; page 92, line 26; page 96, line 12; page 105, line 5; page 112, line 6; and page 124, line 7, before "majority" insert "two-thirds".

(Signed) David Landis, Chairperson

VISITORS

Visitors to the Chamber were Bill Koenig from Lincoln; and a group from the North Platte Opportunity Center.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Brashear, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 2, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Brashear, Coordsen, Elmer, Hall, Landis, Lindsay, Pedersen, Robinson, Wesely, Wickersham, Will, Mmes. Brown, McKenzie, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 20. Placed on Select File as amended.
E & R amendment to LB 20:
AM7017

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Commissioner means the Commissioner of Labor;

(2) Employ means to permit to work;

(3) Employee means any individual employed by any employer but does not include:

(a) Any individual employed in agriculture; or

(b) Any individual employed as a child care provider in or for a private home;

(4) Employer means any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing one hundred or more employees at any one time, except for seasonal employment of not more than twenty weeks in any calendar year, or person acting directly or indirectly in the interest of an employer in relation to an employee but does not include the United States, the state, or any political subdivision thereof; and

(5) Non-English-speaking employee means an employee who does not speak, read, write, or understand English to the degree necessary for comprehension of the terms, conditions, and daily responsibilities of employment.

Sec. 2. (1) An employer or a representative of an employer who actively recruits any non-English-speaking persons who reside more than five hundred miles from the place of employment for employment as employees in this state and whose workforce is more than ten percent non-English-speaking employees who speak the same non-English language shall file with the commissioner a written statement signed by the employer and each such employee which provides relevant information regarding the position of employment, including:

(a) The minimum number of hours the employee can expect to work on a weekly basis;

(b) The hourly wages of the position of employment including the starting hourly wage;

(c) A description of the responsibilities and tasks of the position of employment;

(d) The transportation and housing to be provided, if any, any costs to be charged for housing or transportation, how long such housing is to be provided, and that such housing is in compliance with all applicable state and local housing standards; and

(e) The health risks to the employee involved in the position of employment which are known to the employer.

The statement shall be written in English and in the native language of the non-English-speaking employee, and the employer or the representative shall explain in detail the contents of the statement prior to obtaining the employee's signature. A copy of the statement shall be given to the employee.

It is a violation of this subsection if an employer or representative knowingly and willfully provides false or misleading information on the statement or regarding the contents of the statement.

(2) An employer shall provide transportation for a recruited employee, at no cost to the employee, to the location from which the employee was recruited if the employee:

(a) Resigns from employment within four weeks after the initial date of employment; and

(b) Requests transportation within not more than three days after the employee's last day of employment with the employer which recruited the employee.

Sec. 3. The commissioner shall adopt and promulgate rules and regulations necessary to carry out this act. The commissioner or a representative of the commissioner may:

(1) Inspect employment records of an employer relating to the total number of employees, the total number of non-English-speaking employees, and the services provided to non-English-speaking employees; and

(2) Interview an employer, any representative, any agent, or an employee of the employer during working hours or at other reasonable times.

Sec. 4. Any employer who violates any provision of sections 1 and 2 of this act is guilty of a Class IV misdemeanor.

Sec. 5. Any person aggrieved as a result of a violation of sections 1 to 3 of this act may file suit in any district court of this state. If the court finds that the respondent has intentionally violated any provision of sections 1 to 3 of this act, the court may award damages up to and including an amount equal to the original damages.".

2. On page 1, line 4, strike "and to provide penalties and" and insert "to provide a penalty; and to provide for".

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
AM7019

1. On page 1, line 4, strike the second "and"; and in line 5 after "section" insert "; and to declare an emergency".

2. On page 2, lines 18 and 19, strike "of Nebraska" and insert "Supplement".

LEGISLATIVE BILL 343. Placed on Select File as amended.
E & R amendment to LB 343:
AM7021

1. On page 1, line 4, strike "terms" and insert "a term"; and strike line 5 and insert "eliminate provisions relating to the Deputy Director of the Lottery Division of the Department of Revenue; to".

LEGISLATIVE BILL 64. Placed on Select File.

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendment to LB 122:
AM7020

1. On page 3, line 1, strike the first underscored comma; and in line 3 strike the comma and show as stricken.

LEGISLATIVE BILL 124. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

REPORTS

The following reports were received by the Legislature:

Labor, Department of
State, Omaha, Lincoln, and Nonmetropolitan Area LMA's, and Nebraska monthly report on labor force and unemployment for December, 1994

Social Services, Department of
Job Support Annual Report

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 545: Mary Ann Harry, Donna Williams, and Gail Yanney - Nebraska Arts Council, Riley George and John McCafferty - State Electrical Board, and Frank McGill and Susan Parascand - Nebraska Advisory Committee on Compulsive Gambling.

Voting in the affirmative, 25:

Avery
Bohlke
Bromm
Chambers
Crosby
Cudaback
Dierks
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Pirsch
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Witek
Withem

Voting in the negative, 0.

Present and not voting, 8:

Beutler
Kristensen
Lynch
Maurstad
Preister
Robak
Schrock
Wehrbein

Excused and not voting, 16:

Abboud
Bernard-Stevens
Brashear
Brown
Coordsen
Day
Elmer
Hall
Landis
Lindsay
McKenzie
Pedersen
Robinson
Wesely
Wickersham
Will

These appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 19A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 25A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 173A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Mr. Fisher withdrew his pending motion, found in the Journal on page 562, to indefinitely postpone LB 65.

Messrs. Beutler and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 13 nays, and 20 not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 3CA. Placed on Select File.

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 53. Placed on Select File as amended.
E & R amendment to LB 53:
AM7022

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is established the Nebraska Constitutional Revision Commission. The commission shall consist of twelve members. The Legislature shall name six members, only three of whom shall be current members of the Legislature, with one legislator and one nonlegislator residing in each congressional district. The Governor shall name three members of the commission, with one of such members residing in each congressional district. The Supreme Court shall name three members of the commission, with one of such members residing in each congressional district. The members shall be named within fifteen days after the effective date of this act. The members named to the commission shall meet in the State Capitol within fifteen days after their appointment and organize by selecting a chairperson and such other officers as they may desire.

Sec. 2. The Nebraska Constitutional Revision Commission shall make a complete study of the Constitution of Nebraska to determine what changes, if any, should be made. The commission shall place special emphasis on simplifying and condensing the constitution for the purpose of giving the Legislature broad powers, rather than numerous individual amendments. In making its study, the commission may hold such hearings throughout the state as it may find desirable.

Sec. 3. The Nebraska Constitutional Revision Commission shall report its findings and any recommendations for changes in the Constitution of Nebraska to the Legislature through the Executive Board of the Legislative Council within two years after adjournment of the 1995 regular session of the Legislature. The report shall be made public at the time of its submission to the Executive Board of the Legislative Council. All members shall be reimbursed for their actual expenses as provided in sections 81-1174 to 81-1177.".

2. On page 1, line 2, after the semicolon insert "and"; and in line 3 strike beginning with the semicolon through "emergency".

LEGISLATIVE BILL 36. Placed on Select File as amended.
E & R amendment to LB 36:
AM7024

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 18-1901, Reissue Revised Statutes of Nebraska, is amended to read:

18-1901. (1) In cities of the metropolitan class there shall be a board for the examination of plumbers of eight members. The board shall consist of an architect licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class, a mechanical engineer licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class, two journeymen plumbers, two master plumbers, one member of the general public who is not associated with the plumbing business, and a chief health officer who shall serve as a nonvoting member of the board. Such members shall be appointed by the mayor by and with the consent of the city council. A member shall continue to serve until his or her successor has been appointed and qualified.

(2) In cities of the primary class there may be a board for the examination of plumbers consisting of five members. The board shall consist of the Director of Building and Safety of the city, a registered professional mechanical engineer licensed to practice in the State of Nebraska and engaged in business in the city, the chief plumbing inspector for the city, one master plumber, and one journeyman plumber. The mechanical engineer, the master plumber, and the journeyman plumber ~~one member to be known as the chief health officer of the city, one member to be known as the plumbing inspector of the city, two journeymen plumbers, and one master plumber. The journeymen and master plumbers~~ shall be appointed by the mayor by and with the consent of the city council or, in cities having a city manager, by the city manager.

(3) In all cities of the first and second classes and villages there may be a board for the examination of plumbers of not less than four members, consisting of at least one member to be known as the chief health officer of the city or village, one member to be known as the plumbing inspector of the city or village, one journeyman plumber, and one master plumber. The journeyman and master plumbers shall be appointed by the mayor by and with the consent of the city council, by the chairperson by and with the consent of the board of trustees, or, in cities having a city manager, by the city manager.

(4) For purposes of this section, in cities where a city-county health department has been established and is maintained as provided in section 71-1628, chief health officer shall mean the health director of such department.

(5) Except for cities of the metropolitan and primary classes ~~class~~ and as provided in subsection (4) of this section, the chief health officer and plumbing inspector shall be appointed by and hold office during the term of office of the mayor, city manager, or chairperson of the board of trustees, as the case may be. The terms of office of the journeymen and master plumbers shall be for three years. Upon expiration of the term of each appointed member, appointments shall be made for succeeding terms by the same process as the previous appointments.

(6) The plumbing inspector and journeymen and master plumbers shall be licensed plumbers. The plumbers appointed to the board in cities of the metropolitan class shall be licensed within such cities. The chief plumbing inspector shall be licensed within such city or village and shall act in a direct advisory capacity to the plumbing board.

(7) In cities of the metropolitan class, four voting members of the board shall constitute a quorum, and in all other cities and villages, three members of the plumbing board shall constitute a quorum. The board shall organize by selecting a chairperson, and in cities of the metropolitan class a recording secretary shall be furnished to such board. The city or village

shall make available to the board a location for the board to meet and conduct business at a time convenient for the members of the board. All vacancies in the board may be filled by the mayor and council, city manager, or chairperson and board of trustees as provided in this section. Any member of the board may be removed from office for cause by the district court of the county in which such city or village is situated. Each member of the board shall give bond in the sum of one thousand dollars, conditioned according to law, the cost of which may be paid by such city or village.

(8) The plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9) If two or more municipalities organize a joint plumbing board pursuant to the Interlocal Cooperation Act, appointments shall be made according to the agreements providing for such joint board and the members of such board shall be residents of such cities or villages or live within the zoning jurisdiction of such cities or villages.

Sec. 2. Section 18-1903, Reissue Revised Statutes of Nebraska, is amended to read:

18-1903. The appointment of the plumbing board shall be made annually, at the first meeting of the city council or ~~chairman~~ chairperson and board of trustees, or by the city manager, in August of each year, except as provided in section 18-1901. ~~Where such~~ If the city or village has a chief health officer or health director and plumbing inspector, then they shall act as members of such board ex officio~~,~~ and shall receive no extra compensation; ~~and where~~ except that boards of cities of the primary class shall have members as provided in subsection (2) of section 18-1901. If there are no such officers in such city or village, then, on being appointed, they shall each receive as a salary an amount to be determined by the city council or ~~chairman~~ chairperson and board of trustees.

Sec. 3. Section 18-1909, Reissue Revised Statutes of Nebraska, is amended to read:

18-1909. All original and renewal licenses shall be good for one year or two years from the date of issuance as determined by the plumbing board, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board or of the laws or ordinances relating thereto or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.

Sec. 4. Section 18-1911, Reissue Revised Statutes of Nebraska, is amended to read:

18-1911. The fee for the original license of a journeyman plumber shall be one dollar for a one-year license and two dollars for a two-year license. All renewal fees shall be fifty cents for a one-year license and one dollar for a two-year license. All license fees shall be paid, prior to the execution and delivery of the license, to the treasurer of the school district within the city or village for which the license was issued to be used exclusively for the support of the common schools therein.

Sec. 5. Original sections 18-1901, 18-1903, 18-1909, and 18-1911, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 1, strike "and" and insert a comma; in line 2 after the comma insert "18-1909, and 18-1911,"; and in line 5 after the semicolon insert "to change provisions relating to licenses;".

LEGISLATIVE BILL 196. Placed on Select File as amended.
E & R amendment to LB 196:
AM7023

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 16-615, Reissue Revised Statutes of Nebraska, is amended to read:

16-615. The mayor and council shall have power by ordinance to establish the grade of any street, avenue, or alley in the city or within a county industrial area as defined in section 13-1111 contiguous to such city. When the grade of any street, avenue, or alley ~~shall have~~ has been established, the grade of all or any part shall not be changed unless the city clerk has sent notice of the proposed change in grade to the owners of the lots or land abutting upon the street, avenue, or alley or part of a street, avenue, or alley where such change of grade is to be made. The notice shall be sent to the addresses of the owners as they shall appear in the office of the register of deeds upon the date of the mailing of the notice. The notice shall be sent by regular United States mail, postage prepaid, postmarked at least twenty-one days before the date upon which the city council takes final action on approval of the ordinance authorizing the change in grade. The notice shall inform the owner of the nature of the proposed change, that final action by the city council is pending, and of the location where additional information on the project may be obtained. Following the adoption of an ordinance changing the grade of all or any part of a street, avenue, or alley, no change in grade shall be made ~~unless the consent in writing of the owners of the lots or land abutting upon the street, or part of a street, where such change of grade is to be made, who represent a majority of the front footage thereon, is first obtained and not then~~ until the damages to property owners which may be caused by such change of grade ~~shall have been assessed and determined. The damages~~

~~shall be ascertained and~~ is determined as provided in sections 76-704 to 76-724.

For the purpose of paying the damages, if any, so awarded, the mayor and council shall have power to borrow money from any available fund in the amount necessary, which amount, upon the collection of the same by special assessment, ~~as herein provided,~~ shall be transferred from such special fund to the fund from which it has been borrowed. No ~~; PROVIDED, no~~ street, avenue, or alley shall be worked to such grade or change of grade until the damages so assessed shall be tendered to such property owners or their agents. Before the mayor and council ~~shall~~ enter into any contract to grade any such street, avenue, or alley, the damages, if any, sustained by the property owners, shall be ascertained by condemnation proceedings. For ~~, and for~~ the purpose of paying the damages awarded and the costs of the condemnation proceedings, the mayor and city council shall have power to levy a special tax upon the lots and lands abutting upon such street, avenue, or alley, or part thereof, so graded, as ~~shall be~~ adjudged by the mayor and council to be especially benefited ~~thereby,~~ in proportion to such benefits. Such special tax~~,~~ or taxes~~,~~ shall be collected as ~~provided in case of~~ other special taxes.

Sec. 2. Section 17-509 Reissue Revised Statutes of Nebraska, is amended to read:

17-509. The governing body of any city of the second class or village may ~~shall have power to~~ grade, partially~~,~~ or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravel, macadamize, remacadamize, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any ~~street,~~ streets, ~~alley,~~ alleys, public grounds, public ~~way or~~ ways, ~~or parts thereof, a~~ entirely or partially, and streets ~~street~~ which ~~divides~~ divide the city or village corporate area and the area adjoining the city or village; ~~;~~ construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and ~~used in connection therewith,~~ construct sidewalks~~,~~ and improve the sidewalk space. These projects may be funded ~~,~~ at public cost~~,~~ or by the levy of special assessments on the property especially benefited ~~thereby, proportionate~~ in proportion to such benefits, except as provided in sections 19-2428 to 19-2431. The governing body may ~~,~~ ~~and~~ by ordinance ~~to~~ create paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement districts, ~~therefor,~~ to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more of ~~said~~ the improvements in one proceeding. All of the improvements ~~named in this section~~ which are to be funded by a levy of special assessment on the property especially benefited shall be ordered as provided in sections 17-510 to 17-512, unless the governing body improves a street which divides the city or village corporate area and the area adjoining the city or village. Whenever the governing body of any city of the second class or village improves any street which divides the city or village corporate area and the area adjoining the city or village, the governing body shall determine the sufficiency of petition as set forth in section 17-510 by the owners of the record title representing more than sixty percent of the front footage of the property directly abutting upon the street to be improved, rather than sixty percent of the resident owners. Whenever the governing body shall deem it necessary to make any of the improvements named in this section on a street which divides the city or village corporate area and the area adjoining the city or village, the governing body shall by ordinance create the improvement district pursuant to section 17-511 and the right of remonstrance shall be limited to owners of record title, rather than resident owners.

Sec. 3. Section 17-511, Reissue Revised Statutes of Nebraska, is amended to read:

17-511. Whenever the governing body deems it necessary to make ~~any of~~ the improvements ~~named~~ in section 17-509 which are to be funded by a levy of special assessment on the property especially benefited, such governing body shall by ordinance create a paving, graveling, or other improvement district and, after the passage, approval, and publication of such ordinance, shall publish notice of the creation of any such district for six days in a legal newspaper of the city or village if it is a daily newspaper or for two consecutive weeks if it is a weekly newspaper. If no legal newspaper is published in the city or village, the publication shall be in a legal newspaper of general circulation in the city or village. If the owners of the record title representing more than fifty percent of the front footage of the property directly abutting on the street or alley to be improved ~~shall~~ file with the city clerk or the village clerk within twenty days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance, but such ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the governing body shall immediately cause such work to be done or such improvement to be made, shall contract ~~therefor~~ for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited ~~thereby~~ in such district in proportion to such benefits to pay the cost of such improvement.

Sec. 4. Original sections 16-615, 17-509, and 17-511, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 4, after "for" insert "notice; to provide for".

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:
AM7025

1. On page 3, line 13, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 352. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 54. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Education

LEGISLATIVE BILL 123. Placed on General File as amended.
Standing Committee amendment to LB 123:
AM0192

1. On page 3, line 4, strike beginning with "had" through "take", show as stricken, and insert "taken or received a satisfactory score on".

LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 171. Indefinitely postponed.
LEGISLATIVE BILL 360. Indefinitely postponed.
LEGISLATIVE BILL 445. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 384. Placed on General File.
LEGISLATIVE BILL 614. Placed on General File.

LEGISLATIVE BILL 339. Placed on General File as amended.
Standing Committee amendment to LB 339:
AM0184

1. On page 2, line 26, after the period insert "As used in this section, commercial or business purpose means primarily for a purpose other than a personal, family, or household purpose.".

LEGISLATIVE BILL 425. Placed on General File as amended.
Standing Committee amendment to LB 425:
AM0185

1. On page 3, line 23, after the period insert "Such

guidelines shall include provisions for repayment of a loan or grant if the recipient of the loan or grant fails to perform in accordance with any commitments given by the recipient in order to receive such loan or grant.".

2. On page 4, strike beginning with "The" in line 1 through the first period in line 4; in line 18 strike "has the" and insert "shall have the sole"; and in line 19 after the period insert "The department shall submit an annual report of its activities under this section for the preceding calendar year to the Clerk of the Legislature not later than March 15. Each member of the Legislature shall receive a copy of such report by making a request for it to the department. The report shall list all projects and activities which were established under the fund during the preceding year and all loans made pursuant to this section which were outstanding during the preceding year.

(3) This section shall terminate on January 1, 2000.".

LEGISLATIVE BILL 494. Placed on General File as amended.
Standing Committee amendment to LB 494:
AM0186

1. On page 2, line 9, strike ", city," and insert "or any city of the metropolitan class; and"; and in line 10 strike the new matter.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 419	Friday, February 10, 1995	12:30 p.m.
LB 736	Friday, February 10, 1995	12:30 p.m.
LB 525	Friday, February 10, 1995	12:30 p.m.
LB 709	Monday, February 13, 1995	12:30 p.m.
LB 723	Monday, February 13, 1995	12:30 p.m.
LB 594	Monday, February 13, 1995	12:30 p.m.

(Signed) William R. Wickersham, Chairperson

Business and Labor

LB 438	Monday, February 13, 1995	1:30 p.m.
LB 699	Monday, February 13, 1995	1:30 p.m.
LB 330	Monday, February 13, 1995	1:30 p.m.
LB 422	Monday, February 13, 1995	1:30 p.m.
LB 555	Monday, February 13, 1995	1:30 p.m.
LB 885	Monday, February 13, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Agriculture

LB 671	Tuesday, February 21, 1995	1:30 p.m.
LB 811	Tuesday, February 21, 1995	1:30 p.m.
LB 357	Tuesday, February 28, 1995	1:30 p.m.
LR 40CA	Tuesday, February 28, 1995	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Revenue

LB 30	Wednesday, March 1, 1995	1:30 p.m.
LB 533	Wednesday, March 1, 1995	1:30 p.m.
LB 873	Wednesday, March 1, 1995	1:30 p.m.
LB 535	Wednesday, March 1, 1995	1:30 p.m.
LB 327	Wednesday, March 1, 1995	1:30 p.m.
LB 548	Wednesday, March 1, 1995	1:30 p.m.
LR 30CA	Thursday, March 2, 1995	1:30 p.m.
LR 42CA	Thursday, March 2, 1995	1:30 p.m.
LB 771	Thursday, March 2, 1995	1:30 p.m.
LB 791	Thursday, March 2, 1995	1:30 p.m.
LB 792	Thursday, March 2, 1995	1:30 p.m.
LB 822	Thursday, March 2, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

MESSAGES FROM THE GOVERNOR

January 31, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Board of Trustees of the Nebraska State Colleges.,

APPOINTEES:
Jeff Renner, 1021 Galvin Road S, Bellevue, NE 68005
Frances M. Grimes, 1704 West Division, Grand Island, NE 68803

Alfred O. Gigstad, DVM, 141 North Park Land, Nebraska City, NE 68410

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

January 31, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEES:
Jack J. Parks, 1609 Dianne Avenue, P.O. Box 999, Bellevue, NE 68005
Beverly B. Fellman, 12206 Leavenworth, Omaha, NE 68154
LaRue Wunderlich, 128 N 13 Street, Apt. 205, Lincoln, NE 68508
Herb Schimek, 2321 Camelot Court, Lincoln, NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 886.

LB	**Committee**
886	Legislative Program Evaluation

(Signed) Timothy J. Hall, Chairperson

Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LR 49	Thursday, February 9, 1995	1:30 p.m.
LB 634	Thursday, February 9, 1995	1:30 p.m.
LB 629	Thursday, February 9, 1995	1:30 p.m.
LB 552	Thursday, February 9, 1995	1:30 p.m.
LB 764	Friday, February 10, 1995	1:30 p.m.
LB 258	Friday, February 10, 1995	1:30 p.m.
LB 876	Friday, February 10, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Revenue

LB 499	Wednesday, February 22, 1995	1:30 p.m.
LB 298	Wednesday, February 22, 1995	1:30 p.m.
LB 483	Wednesday, February 22, 1995	1:30 p.m.
LB 801	Wednesday, February 22, 1995	1:30 p.m.
LB 808	Wednesday, February 22, 1995	1:30 p.m.
LB 107	Wednesday, February 22, 1995	1:30 p.m.
LB 630	Thursday, February 23, 1995	1:30 p.m.
LB 610	Thursday, February 23, 1995	1:30 p.m.
LB 115	Thursday, February 23, 1995	1:30 p.m.
LB 648	Thursday, February 23, 1995	1:30 p.m.
LB 833	Thursday, February 23, 1995	1:30 p.m.
LB 853	Thursday, February 23, 1995	1:30 p.m.
LB 585	Thursday, February 23, 1995	1:30 p.m.
LB 646	Thursday, February 23, 1995	1:30 p.m.
LB 66	Friday, February 24, 1995	1:30 p.m.
LB 606	Friday, February 24, 1995	1:30 p.m.
LR 31CA	Friday, February 24, 1995	1:30 p.m.
LB 267	Friday, February 24, 1995	1:30 p.m.
LB 45	Friday, February 24, 1995	1:30 p.m.
LB 139	Friday, February 24, 1995	1:30 p.m.
LB 605	Friday, February 24, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Tom Plummer, Jr. - Nebraska Game and Parks Commission

VOTE: Aye: Senators Avery, Beutler, Bohlke, Bromm, Elmer, McKenzie, and Preister. Absent: Senator Jones.

(Signed) Chris Beutler, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 1, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Boyle & Associates, P.C.	
Boyle, Michael - Omaha	Property Owners Association
Cooksley, Mary Bell - Berwyn	American Association of Retired Persons
Craig, Robert B. - Lincoln	The American Legion, Dept. of Nebraska
Hauter, Wenona H. - Washington, DC	Union of Concerned Scientists
Kelly, Ralph D. - Grand Island	American Association of Retired Persons
Kissel/E&S Associates	
Kissel, Gordon - Lincoln	Lincoln General Hospital Nebraska Investment Finance Authority
Leafstedt, Jon - West Des Moines, IA	American Cyanamid Company
McFarland, James D. - Lincoln	Common Cause/Nebraska
Morrow, Arlillian Hall - Omaha	American Association of Retired Persons
Mueller, William J./Knudsen Berkheimer Richardson	
Mueller, William J. - Lincoln	Outdoor Advertising Association of Nebraska
Pappas, James E. - Lincoln	Mid-City Jewelry & Loan Company
Patterson, Michelle Miller - Lincoln	Common Cause/Nebraska
Ruth, Larry L./Knudsen Berkheimer Richardson	
Ruth, Larry L. - Lincoln	Outdoor Advertising Association of Nebraska
Thormahlen, Virginia L. - Scottsbluff	American Association of Retired Persons
Wallace Jr., Edward B. - St. Ann, MO	General Motors Corporation
Weinert, Paul M. - Falls City	American Association of Retired Persons

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM0205

1. On page 3, line 13, after the period insert "The department may reduce the twenty-five-percent match requirement if the applicant demonstrates a serious financial hardship.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM0207

1. On page 3, line 16, after "recipient" insert "or for the planning of a project or administrative costs relating to the planning of a project".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM0206

1. On page 3, line 13, after the period insert "The department shall give priority to an applicant who has not been a frequent recipient of Community Development Block Grants or other federal funding for economic development.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM0202

1. On page 3, line 4, after "grants" insert "of up to twenty-five thousand dollars".

GENERAL FILE

LEGISLATIVE BILL 65. Considered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Wehrbein moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wehrbein requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Abboud
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Matzke
Pedersen
Pirsch
Robak
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 10:

Bernard-Stevens
Bohlke
Brashear
Janssen
Lynch
Maurstad
McKenzie
Schellpeper
Schimek
Wesely

Present and not voting, 4:

Avery
Chambers
Hartnett
Preister

Excused and not voting, 4:

Beutler
Hall
Lindsay
Robinson

The motion to cease debate prevailed with 31 ayes, 10 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Kristensen requested a roll call vote on the advancement of the bill.

Mr. Kristensen requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Abboud
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 15:

Bernard-Stevens
Day
Dierks
Hillman
Janssen
Landis
Lindsay
Lynch
Preister
Robak
Schimek
Wesely
Wickersham
Will
Withem

Present and not voting, 6:

Avery Chambers Hartnett McKenzie Schellpeper
Bohlke

Excused and not voting, 3:

Beutler Hall Robinson

Advanced to E & R for review with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 470. Placed on General File.

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendment to LB 42:
AM0208

1. On page 2, line 28, after "months" insert "after such work is done".
2. On page 3, line 1, after "may" insert "either (a)"; in lines 4 through 5 strike the new matter and insert "(b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys".
3. On page 4, line 26, after "months" insert "after such work is done" and after "may" insert "either (a)".
4. On page 5, strike the new matter in lines 1 through 3 and insert "(b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys".

LEGISLATIVE BILL 91. Placed on General File as amended.
Standing Committee amendment to LB 91:
AM0209

1. On page 2, strike beginning with "The" in line 17 through "25-1140.09" in line 20 and insert "The cost of preparing the transcript shall be at the rate of one dollar for each page of the completed transcript with each page of the transcript containing no fewer than three hundred words. No party requesting a transcript shall be charged for more than fifty pages".
2. On page 3, strike beginning with "The" in line 18 through "25-1140.09" in line 21 and insert "The cost of preparing the transcript shall be at the rate of one dollar for each page of the completed transcript with each page of the transcript

containing no fewer than three hundred words. No party requesting a transcript shall be charged for more than fifty pages".

(Signed) D. Paul Hartnett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Ms. Schimek and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Dierks and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 83. Title read. Considered.

Standing Committee amendment, AM0098, printed separately from the Journal and referred to on page 518, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Kristensen and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Standing Committee amendment, AM0037, found in the Journal on page 526, was considered.

Ms. Day and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

MR. HALL PRESIDING

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 501. Title read. Considered.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 502. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 136. Title read. Considered.

Messrs. Will, Vrtiska, and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen offered the following amendment:
AM0217

1. On page 2, line 15, after the period insert "This reporting requirement does not apply to out-of-state vendors or their representatives who have entered into an agreement with the Department of Revenue or obtained a permit for the collection of Nebraska sales and use taxes.".

The Coordsen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 112. Placed on General File as amended.
Standing Committee amendment to LB 112:
AM0007

1. On page 2, strike lines 13 through 19 and insert:

"(1) Rural highways means (a) all public highways and roads outside the limits of an incorporated municipality exclusive of freeways and interchanges on expressways and (b) all public highways and roads within incorporated municipalities having a population of forty thousand people or less exclusive of freeways and interchanges on expressways. Expressway, freeway, and interchange are used in this subdivision as they are defined in section 39-1302; and".

LEGISLATIVE BILL 323. Placed on General File as amended.
Standing Committee amendment to LB 323:

AM0191

1. Insert the following new section:

"Sec. 13. Section 60-4,168, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,168. (1) Except as provided in subsection (2) of this section, a person shall be disqualified from driving a commercial motor vehicle for one year:

(a) Upon his or her first conviction, after April 1, 1992, in this or any other state for:

(i) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(ii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or

(iii) Using a commercial motor vehicle in the commission of a felony; or

(b) Upon a first administrative determination, after April 1, 1992, that such person while driving a commercial motor vehicle in this or any other state was requested to submit to a chemical test or tests of his or her blood, breath, or urine by a law enforcement officer and refused or had a concentration of four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood, four-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, or four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her urine.

(2) If any of the offenses described in this section occurred while the person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from driving a commercial motor vehicle for three years.

(3) A person shall be disqualified from driving a commercial motor vehicle for life if, after April 1, 1992, he or she is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents.

(4) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period.

(5) For purposes of this section, conviction shall mean an adjudication of guilt in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, a payment of a fine or court costs, or a

violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(6) For purposes of this section, serious traffic violation shall mean:

(a) Speeding at or in excess of fifteen miles per hour over the legally posted speed limit;

(b) Willful reckless driving as described in section 60-6,214 or reckless driving as described in section 60-6,213;

(c) Improper lane change as described in section 60-6,139;

(d) Following the vehicle ahead too closely as described in section 60-6,140; and

(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person.".

2. On page 16, line 12, strike "13, and 15" and insert "14, and 16"; and in line 18 strike "and 60-4,167" and insert "60-4,167, and 60-4,168".

3. Renumber the remaining sections accordingly.

(Signed) Doug Kristensen, Chairperson

Health and Human Services

LEGISLATIVE BILL 174. Placed on General File.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 516. Placed on General File.
LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 138. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.
LEGISLATIVE BILL 603. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 635. Placed on General File.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 19A. Placed on Select File.

LEGISLATIVE BILL 25A. Placed on Select File as amended.
E & R amendment to LB 25A:
AM7026

1. On page 2, line 1, strike "(1)".

LEGISLATIVE BILL 173A. Placed on Select File as amended.
E & R amendment to LB 173A:
AM7027

1. On page 2, line 1, strike "(1)".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 20 in the Journal. No objections. So ordered.

AM0218
(Amendments to E & R Amendments, AM7017)

1. Insert the following new section:

"Sec. 2. If an employer or a representative of an employer actively recruits any non-English-speaking persons who reside more than five hundred miles from the place of employment for employment as employees in this state and if more than ten percent of the employees of an employer are non-English-speaking employees and speak the same non-English language, the employer shall provide:

(1) An interpreter available at the work site for each shift during which the non-English-speaking employees are employed in order that information is given and questions answered relative to the terms, conditions, and daily responsibilities of employment; and

(2) A person employed by the employer whose responsibility includes serving as a referral agent to community services for non-English-speaking employees.".

2. On page 3, line 22, strike "1 and 2" and insert "2 and 3"; and in lines 24 and 26 strike "1 to 3" and insert "2 to 4".

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 386 in the Journal. No objections. So ordered.

AM0220
(Amendments to Standing Committee amendments, AM0116)

1. On page 1, line 3, strike "company's" and insert "public service entity's".

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Michael Haller - Rural Health Advisory Commission

VOTE: Aye: Senators Day, Jensen, Matzke, Pirsch, and Wesely. Nay: None. Not voting: Senator Schimek. Absent: Senator Dierks.

(Signed) Don Wesely, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor Appointments.

Fellman, Beverly B. - Nebraska Educational Telecommunications Comm. -- Education

Gigstad, Alfred O., DVM - Board of Trustees of the Nebr. State Colleges -- Education

Grimes, Frances M. - Board of Trustees of the Nebr. State Colleges -- Education

Parks, Jack J. - Nebraska Educational Telecommunications Comm. -- Education

Renner, Jeff - Board of Trustees of the Nebr. State Colleges -- Education

Schimek, Herb - Nebraska Educational Telecommunications Comm. -- Education

Wunderlich, LaRue - Nebraska Educational Telecommunications Comm. -- Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 663 Friday, February 10, 1995 (Cancelled) 1:30 p.m.

(Signed) Jerome Warner, Chairperson

Judiciary

LB 165	Thursday, February 9, 1995	1:30 p.m.
LB 232	Thursday, February 9, 1995	1:30 p.m.
LB 273	Thursday, February 9, 1995	1:30 p.m.
LB 421	Thursday, February 9, 1995	1:30 p.m.
LB 423	Thursday, February 9, 1995	1:30 p.m.
LB 475	Thursday, February 9, 1995	1:30 p.m.
LB 866	Thursday, February 9, 1995	1:30 p.m.
LB 867	Thursday, February 9, 1995	1:30 p.m.
LB 320	Friday, February 10, 1995	1:30 p.m.
LB 435	Friday, February 10, 1995	1:30 p.m.
LB 538	Friday, February 10, 1995	1:30 p.m.
LB 560	Friday, February 10, 1995	1:30 p.m.
LB 570	Friday, February 10, 1995	1:30 p.m.
LB 598	Friday, February 10, 1995	1:30 p.m.
LB 691	Friday, February 10, 1995	1:30 p.m.
LB 758	Friday, February 10, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

Health and Human Services

Governor Appointment Dr. Arthur Weaver - State Board of Health	Thursday, February 9, 1995	1:30 p.m.
LB 747	Thursday, February 9, 1995	1:30 p.m.
LB 752	Thursday, February 9, 1995	1:30 p.m.
LB 690	Thursday, February 9, 1995	1:30 p.m.
LB 302	Thursday, February 9, 1995	1:30 p.m.
LB 439	Thursday, February 9, 1995	1:30 p.m.
LB 440	Thursday, February 9, 1995	1:30 p.m.
LB 712	Friday, February 10, 1995	1:30 p.m.
LB 55	Friday, February 10, 1995	1:30 p.m.
LB 451	Friday, February 10, 1995	1:30 p.m.
LB 659	Friday, February 10, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Transportation

LB 23	Monday, February 13, 1995	1:30 p.m.
LB 24	Monday, February 13, 1995	1:30 p.m.
LB 146	Monday, February 13, 1995	1:30 p.m.
LB 265	Monday, February 13, 1995	1:30 p.m.

LB 132	Tuesday, February 14, 1995	1:30 p.m.
LB 155	Tuesday, February 14, 1995	1:30 p.m.
LB 322	Tuesday, February 14, 1995	1:30 p.m.
LB 518	Tuesday, February 14, 1995	1:30 p.m.
LB 814	Tuesday, February 14, 1995	1:30 p.m.
LB 831	Tuesday, February 14, 1995	1:30 p.m.
LB 815	Tuesday, February 14, 1995	1:30 p.m.
LB 246	Tuesday, February 21, 1995	1:30 p.m.
LB 347	Tuesday, February 21, 1995	1:30 p.m.
LB 713	Tuesday, February 21, 1995	1:30 p.m.
LB 799	Tuesday, February 21, 1995	1:30 p.m.
LB 185	Monday, February 27, 1995	1:30 p.m.
LB 595	Monday, February 27, 1995	1:30 p.m.
LB 643	Monday, February 27, 1995	1:30 p.m.
LB 766	Monday, February 27, 1995	1:30 p.m.
LB 564	Monday, February 27, 1995	1:30 p.m.
LB 321	Tuesday, February 28, 1995	1:30 p.m.
LB 409	Tuesday, February 28, 1995	1:30 p.m.
LB 410	Tuesday, February 28, 1995	1:30 p.m.
LB 459	Tuesday, February 28, 1995	1:30 p.m.
LB 696	Tuesday, February 28, 1995	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 144A. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 83A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 83, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 136A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 136, Ninety-fourth Legislature, First Session, 1995.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 801. No objections. So ordered.

UNANIMOUS CONSENT - ANNOUNCEMENT

Mr. Wickersham asked unanimous consent to permit the Nebraska Retirement Systems Committee to conduct its hearing on Wednesday, February 8, 1995, in Room 1520 instead of Room 2102. No objections. So ordered.

VISITORS

Visitors to the Chamber were 13 seniors and teacher from Exeter; Bob and Verla May from Arnold; Bob Busch from Mitchell, Leonard Green from Alliance, Lou Towater from Scottsbluff, and Wayne Kness from Bayard; and 16 nursing students from Union College, Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Monday, February 6, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 6, 1995

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 6, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Reaves Nahwooks, Lincoln Indian Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fisher and Withem who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Brashear, Bromm, Coordsen, Hall, Hartnett, Kristensen, Landis, Lindsay, Robinson, Will, Mmes. Bohlke, Pirsch, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Due to mainframe computer programming difficulties, semicolons were omitted from some lines of some amendments in the Journal for the twelfth, fourteenth, seventeenth, eighteenth, and nineteenth days.

The Journal for the twentieth day was approved.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendment to LB 333:
AM0183

1. Strike original sections 1, 2, and 4 to 24; and insert the following new section:

"Sec. 2. Original section 1-110, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining section accordingly.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 663 Wednesday, February 15, 1995 (Rescheduled) 1:30 p.m.

(Signed) Jerome Warner, Chairperson

Education

LB 676 Tuesday, February 14, 1995 1:30 p.m.

Governor Appointments Tuesday, March 14, 1995 1:30 p.m.
Board of Trustees of Nebraska State Colleges
Jeff Renner
Frances M. Grimes
Alfred O. Gigstad
Nebraska Educational Telecommunications Commission
Jack J. Parks
Beverly B. Fellman
Herb Schimek
LaRue Wunderlich

(Signed) Ardyce Bohlke, Chairperson

MOTION - Approve Appointment

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 587: Tom Plummer Jr. - Nebraska Game and Parks Commission.

Voting in the affirmative, 25:

Beutler
Brown
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
Pedersen
Preister
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 6:

Chambers
McKenzie
Robak
Schellpeper
Schrock
Lynch

Excused and not voting, 18:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Coordsen
Day
Fisher
Hall
Hartnett
Kristensen
Landis
Lindsay
Pirsch
Robinson
Will
Withem

The appointment was confirmed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 167. Mr. Jones withdrew his pending amendment, AM0109, found in the Journal on page 519.

Mr. Warner renewed his pending amendment, AM0075, found in the Journal on page 527.

The Warner amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Jones offered the following amendment:
AM0073

1. On page 2, line 21, strike "three months" and all amendments thereto and insert "thirty days".

The Jones amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 175. E & R amendment, AM7011, found in the Journal on page 514, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 274. Mr. Elmer renewed his pending amendment, FA11, found in the Journal on page 537.

The Elmer amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting,

Mr. Preister offered the following amendment:
AM0245

1. On page 2, line 23, after the first comma insert "but shall not include releasing a non-fur-bearing animal from a trap,".

The Preister amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Mr. Lindsay offered the following amendment:
FA19

Add the following new section

"It shall be unlawful for any person to set any trap in this state unless the name and address of the owner of the trap is affixed to the trap. Violation of this section shall be a Class III misdemeanor.

Messrs. Lindsay and Janssen offered the following amendment to the pending Lindsay amendment:
FA20

Amend the Lindsay amendment, FA19, by inserting "permanently" before "affixed".

The Lindsay-Janssen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lindsay amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 169. E & R amendment, AM7013, found in the Journal on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 80. Advanced to E & R for engrossment.
LEGISLATIVE BILL 186. Advanced to E & R for engrossment.

LEGISLATIVE BILL 59. E & R amendment, AM7014, found in the Journal on page 532, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 82. Advanced to E & R for engrossment.
LEGISLATIVE BILL 41. Advanced to E & R for engrossment.

LEGISLATIVE BILL 96. Messrs. Beutler and Landis renewed their pending amendment, AM0164, found in the Journal on page 553.

The Beutler-Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Landis offered the following amendment:
FA21

Add the emergency clause.

Mr. Landis withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 163. E & R amendment, AM7015, found in the Journal on page 536, was adopted.

Mr. Beutler offered the following amendment:
AM0258

1. On page 13, line 18, after the period insert: "The lien shall attach to the real property of such person when notice of the lien is filed and indexed against the real property in the office of the register of deeds in the county where the real property is located. The lien shall attach to any other property of such person when notice of the lien is filed against the property in the manner prescribed by law.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Lynch offered the following amendment:
AM0241

1. On page 5, after line 3 insert the following new subsection:

"(4) The application required by this section shall include or be accompanied by, in a manner prescribed by the director, the name and street address in this state of a business office for conducting business with Nebraska resident borrowers."; in line 4, strike "(4)" and insert "(5)"; and in line 6 strike "(5)" and insert "(6)".

2. On page 6, line 24, strike "subsection (3)" and insert "subsections (3) and (4)".

Mr. Lynch moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Avery
Cudaback
Hall
Hartnett
Janssen
Lynch
Matzke
Maurstad
Pedersen
Preister
Robinson
Schimek
Schmitt
Wehrbein

Voting in the negative, 16:

Bernard-Stevens
Bohlke
Brashear
Bromm
Crosby
Day
Jensen
Jones
Kristensen
Landis
McKenzie
Schrock
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 14:

Beutler
Brown
Chambers
Coordsen
Dierks
Elmer
Engel
Hillman
Hudkins
Lindsay
Robak
Schellpeper
Stuhr
Wesely

Excused and not voting, 5:

Abboud
Fisher
Pirsch
Will
Withem

The Lynch amendment lost with 14 ayes, 16 nays, 14 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 3:

Crosby
Jones
Lynch

Present and not voting, 7:

Brashear
Engel
Hall
Hartnett
Pedersen
Robinson
Vrtiska

Excused and not voting, 5:

Abboud
Fisher
Pirsch
Will
Withem

Advanced to E & R for engrossment with 34 ayes, 3 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 92. Advanced to E & R for engrossment.

LEGISLATIVE BILL 97. E & R amendment, AM7018, found in the Journal on page 559, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 76. Advanced to E & R for engrossment.

LEGISLATIVE BILL 162. Considered.

Mr. Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Avery
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens
Bromm
Chambers
Day
Landis
Lindsay
Pedersen
Warner

Excused and not voting, 5:

Abboud
Fisher
Pirsch
Will
Withem

Advanced to E & R for engrossment with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 86. Advanced to E & R for engrossment.

LEGISLATIVE BILL 144. E & R amendment, AM7016, found in the Journal on page 559, was adopted.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM0127, found in the Journal on page 562, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM0127, found in the Journal on page 562.

Messrs. Bernard-Stevens, Vrtiska, and Maurstad offered the following substitute amendment:
AM0246

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Partnerships for Economic Development Act.

Sec. 2. The Legislature finds that there is a need to:

(1) Stimulate local economic development efforts statewide;

(2) Build an environment to engage in more effective economic development;

(3) Encourage entrepreneurship and business expansion;

(4) Create employment and employment opportunities; and

(5) Help create and develop local conditions to encourage and enable people to remain in communities and to provide a labor pool of properly trained and educated employees.

Sec. 3. The purposes of the Partnerships for Economic Development Act are to:

(1) Strengthen rural communities and counties by enhancing their ability to develop economic development plans through self-defined regions and multicommunity cooperation;

(2) Encourage collaboration within local areas of the state among communities, counties, agencies, economic development providers, and the private sector to further enhance their collective economic development efforts; and

(3) Coordinate the use of existing programs and funds more efficiently and effectively in support of new programs and initiatives.

Sec. 4. The Department of Economic Development shall provide grants of up to twenty-five thousand dollars to entities for the purposes specified in section 3 of this act. The department may provide grants to the types of entities specified in the rules and regulations which shall include communities, counties, agencies, economic development providers, and not-for-profit corporations and entities. To be eligible for a grant, the applicant must (1) demonstrate that the grant funds will be used for a multi-area or multicommunity project, (2) document a match equivalent in money or in kind equal to twenty-five percent of the grant funds requested, and (3) document goals for the project for which grant funds are requested. Grant funds may only be administered by an entity eligible to receive grants.

A recipient of a grant shall not use the grant funds to replace other funding for administrative support of the recipient or for the planning of a project or administrative costs relating to the planning of a project. A recipient may not use more than ten percent of the grant funds for expenses incurred in administering the grant. A recipient of a grant may not receive more than one grant under this section for the same project.

Sec. 5. The Department of Economic Development shall submit an annual report to the Governor and Legislature on or before January 1 listing the recipients and grant amounts of grants made pursuant to the Partnerships for Economic Development Act in the previous fiscal year, the impact of the grants, and an evaluation of the program's performance based on the documented goals of the recipients.

Sec. 6. The Department of Economic Development shall adopt and promulgate rules and regulations to carry out the Partnerships for Economic Development Act.

Sec. 7. The Partnerships for Economic Development Act terminates on June 30, 1999.".

The Bernard-Stevens-Vrtiska-Maurstad amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Bernard-Stevens withdrew his amendments, AM0205, AM0207, AM0206, and AM0202, found in the Journal on page 588.

Mr. Maurstad offered the following amendment:
FA22

Amend AM0246 by striking on page 2 line 4 "of up to twenty-five thousand dollars"

The Maurstad amendment lost with 6 ayes, 16 nays, 22 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 154. Placed on General File as amended.
Standing Committee amendment to LB 154:
AM0091

1. Strike section 1 and insert the following new section:

"Section 1. Section 23-1611, Reissue Revised Statutes of Nebraska, is amended to read:

23-1611. The Auditor of Public Accounts shall establish a uniform system of accounting for all county officers. The ~~, and~~ ~~such~~ system, when established, shall be installed and used by all county officers, except that~~, with~~ any county with a population of one hundred thousand or more inhabitants may use an accounting system that utilizes generally accepted accounting principles. With the prior approval of the Tax Commissioner, the county board of any county may direct that for all purposes of assessment of property, and for the levy and collection of all taxes and special assessments, there shall be used only individual ledger sheets or other tax records suitable for use in connection with electronic data processing equipment or other mechanical office equipment, to be used in accordance with procedures to be approved by the Tax Commissioner. To the extent ~~that it is~~ practicable, the accounting system established for county officers shall be the same system established for state agencies.".

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendment to LB 166:
AM0139

1. Strike original sections 12 and 13 and insert the following new sections:

"Sec. 2. Section 23-222, Revised Statutes Supplement, 1994, is amended to read:

23-222. The town clerk, town treasurer, and chairperson of the town board ~~of supervisors~~ shall be elected pursuant to the Election Act at the next general election held in November following appointment and shall have the qualifications required by sections 23-214 and 23-215.

Sec. 13. Section 32-528, Revised Statutes Supplement, 1994, is amended to read:

32-528. (1) In counties having a county board of three commissioners, two commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of five commissioners, three commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and two commissioners shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of seven or more commissioners, one commissioner shall be elected in each odd-numbered commissioner district at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected in each even-numbered commissioner district at the statewide general election in 1996 and each four years thereafter.

(2) Except for commissioners first elected after the county adopts the commissioner form of government or has increased the number of commissioners, the term of each county commissioner shall be four years or until his or her successor is elected and qualified. At the first election held to choose the board of commissioners in any county having three commissioners, the person having the highest number of votes shall serve for four years and the two receiving the next highest number of votes shall serve for two years, and if any three or more persons have the same number of votes, their terms of office shall be determined by the county canvassing board. The county commissioners shall meet the qualifications found in section 23-150. Nothing in this section

shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district. The county commissioners shall be elected on the ~~partisan~~ nonpartisan ballot.

(3) In counties having not more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district, except that in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated from each district by the registered voters of the district and shall be elected by the registered voters of the entire county. Beginning in 1992 in counties having more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(4) In counties in which a majority has voted to have five commissioners as provided in section 23-148, the three commissioners of such county whose terms of office will expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed pursuant to section 32-567 to serve until the first Thursday after the first Tuesday in January following the next statewide general election. At the next statewide general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings shall be accepted for terms of two years and for terms of four years so that two commissioners will be elected to four-year terms at one election and three commissioners will be elected to four-year terms at the next election.

(5) In counties having more than three hundred thousand inhabitants, the three commissioners whose terms of office will expire in 1995 shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the primary election in 1992, one commissioner in such counties shall be nominated from each odd-numbered district. At the ensuing general election, one commissioner shall be elected from each odd-numbered district. At the primary election in 1994, one commissioner in such counties shall be nominated from each even-numbered district. At the ensuing general election, one commissioner shall be elected from each even-numbered district. Beginning in 1992, each commissioner in such counties shall hold office for four years or until his or her successor is elected and qualified. Nothing in this subsection shall be construed to prohibit the reelection of a commissioner holding office in 1992 or 1994 if such commissioner is reelected to represent the district in which he or she resides.

Sec. 14. Section 32-529, Revised Statutes Supplement, 1994, is amended to read:

32-529. At the first general election after the adoption of township organization by a county, one supervisor shall be elected in each supervisor district. Thereafter one supervisor shall be elected in each odd-numbered supervisor district at the general election two years after the first general election and each four years thereafter, and one supervisor shall be elected in each even-numbered supervisor district at the general election four years after the first general election and each four years thereafter. Each county supervisor shall be nominated and elected by the registered voters of the district from which he or she is elected. Except for supervisors first elected after the county has adopted township organization, the term of each county supervisor shall be four years or until his or her successor is elected and qualified. The county supervisors shall meet the qualifications found in section 23-268. The county supervisors shall be elected on the ~~partisan~~ nonpartisan ballot.

Sec. 15. Section 32-530, Revised Statutes Supplement, 1994, is amended to read:

32-530. After the initial appointments as provided for in sections 23-214 and 23-215, the town clerk, the town treasurer, and the chairperson of the town board ~~of supervisors~~ shall be elected in counties under township government at the statewide general election in 1994 and every four years thereafter. Except for officers first appointed after the county has adopted township organization, the term of each officer shall be four years or until his or her successor is elected and qualified. The township officers shall meet the qualifications found in sections 23-214 and 23-215. The township officers shall be elected on the ~~partisan~~ nonpartisan ballot.

Sec. 16. Section 32-609, Revised Statutes Supplement, 1994, is amended to read:

32-609. The candidate filing form filed pursuant to sections 32-606 and 32-607 by each candidate for the State Board of Education, county ~~superintendent of schools~~ and township offices, member of the Legislature, Regent of the University of Nebraska, director of a public power and irrigation district, reclamation district, or natural resources district, every other nonpartisan office created by law, member of a board of education of a Class IV or V school district, and candidate for elective office of a city of the first or second class or a village shall not in any way refer to or designate the political affiliation of the candidate.

Sec. 17. Section 32-610, Revised Statutes Supplement, 1994, is amended to read:

32-610. No person shall be allowed to file a candidate filing form as a partisan candidate or to have his or her name placed upon a primary election ballot of a political party unless (1) he or she is a registered voter of the political party if required pursuant to section 32-702 and (2) at the last election the political party polled at least five percent of the entire vote in the state, ~~county,~~ political subdivision, or district in which the candidate seeks the nomination for office. A candidate filing form filed in violation of this section shall be void.

Sec. 18. Section 32-618, Revised Statutes Supplement, 1994, is amended to read:

32-618. (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected. If the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each county comprising the district; and

(b) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the majority vote of the registered voters of the entire state, at least two thousand;

(b) For each partisan office to be filled by the majority vote of the registered voters of a ~~county or~~ political subdivision other than a ~~township or~~ precinct, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the ~~county or~~ political subdivision, not to exceed two thousand; and

(c) For each partisan office to be filled by the majority vote of the registered voters of a ~~township or~~ precinct, fifty.

The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a ~~county, township, or~~ precinct.

Sec. 19. Section 32-811, Revised Statutes Supplement, 1994, is amended to read:

32-811. (1) If the names of candidates properly filed for nomination at the primary election for county and township offices, directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of the boards of educational service units, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class, cities having a city manager plan of government, and villages do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) In public power districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 20. Original section 22-412, Reissue Revised Statutes of Nebraska, and sections 23-222, 32-517 to 32-526, 32-528 to 32-530, 32-609, 32-610, 32-618, and 32-811, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 195. Placed on General File as amended.
Standing Committee amendment to LB 195:
AM0235

1. Insert the following new section:

"Sec. 2. Section 17-204, Reissue Revised Statutes of Nebraska, is amended to read:

17-204. Every trustee, before entering upon the duties of his or her office, shall take an oath to support the Constitution of the United States~~,~~ and the Constitution of Nebraska~~,~~ and to faithfully and impartially to discharge the duties of his or her office. Every board of trustees appointed by the county board shall meet within twenty days, organize, and appoint the officers required by law. All trustees elected to office shall qualify and meet on the first ~~Tuesday in June~~ regular meeting of the board in December and thereafter~~,~~ organize, elect a ~~chairman~~ chairperson of the board, and appoint the officers required by law. The board of trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the ~~chairman~~ chairperson.".

2. On page 3, line 27, after "Original" insert "section 17-204, Reissue Revised Statutes of Nebraska, and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 205. Placed on General File as amended.
Standing Committee amendment to LB 205:
AM0236

1. On page 3, line 14, after "years" insert "(1)"; and in line 15 after "district" insert "or (2) unless the Auditor of Public Accounts waives the five-year audit requirement upon the submission of a written request by the fire protection district in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts shall notify the fire protection district in writing of the approval or denial of a request for waiver".

(Signed) C. N. "Bud" Robinson, Chairperson

Transportation

LEGISLATIVE BILL 37. Placed on General File as amended.
Standing Committee amendment to LB 37:
AM0198

1. On page 3, line 17, after "insurance" insert "written by an insurance carrier duly authorized to do business in this state"; and in line 26 after "accident" insert ". An automobile liability policy shall not exclude liability coverage under the policy solely because the injured person making a claim is the named insured in the policy or a spouse or relative residing in the same household with the named insured".

2. On page 10, after line 13, insert the following new subsection:

"(2) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered.".

3. On page 11, lines 9 and 13; and page 12, lines 3, 9, 14, and 20, strike the new matter and reinstate the stricken matter.

4. On page 21, line 13, strike "swears" and insert "certifies'; and in line 28 after "vehicle" insert "which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or".

5. On page 22, line 14, strike "section" and insert "sections 60-505.02 and".

6. On page 26, line 10, strike "5" and insert "7".

7. On page 29, line 13, strike "5" and insert "7".

LEGISLATIVE BILL 253. Placed on General File as amended.
Standing Committee amendment to LB 253:

AM0189

1. Insert the following new section:

"Section 1. Section 60-105, Reissue Revised Statutes of Nebraska, is amended to read:

60-105. (1) No person, except as provided in section 60-110, acquiring a motor vehicle, commercial trailer, semitrailer, or cabin trailer from the owner thereof, whether such owner ~~be~~ is a manufacturer, importer, dealer, or otherwise, shall acquire any right, title, claim, or interest in or to such motor vehicle, commercial trailer, semitrailer, or cabin trailer until he or she shall have had delivered to him or her physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and a certificate of title or a manufacturer's or importer's certificate duly executed in accordance with ~~the provisions of this act,~~ sections 60-102 to 60-117 and with such assignments thereon as may be necessary to show title in the purchaser thereof or an instrument in writing required by section 60-1417. No ~~; nor shall any~~ waiver or estoppel shall operate in favor of such person against a person having physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and such certificate of title or manufacturer's or importer's certificate or an instrument in writing required by section 60-1417. ~~therefor.~~ No court in any case at law or in equity shall recognize the right, title, claim, or interest of any person in or to any motor vehicle, commercial trailer, semitrailer, or cabin trailer sold or disposed of, or mortgaged or encumbered, unless there is compliance with this section.

(2) The county clerk, subject to the approval of the department, shall assign a distinguishing identification number to any motor vehicle, commercial trailer, semitrailer, or cabin trailer whenever such identification number is destroyed, obliterated, or missing. It shall be the duty of the owner or owners of such a motor vehicle, commercial trailer, semitrailer, or cabin trailer to which such number is assigned, to have such number affixed to such vehicle in a manner prescribed by the department. Before the certificate of title for an assigned number is released to the applicant by the designated county official, the applicant must provide a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106. Upon application for a metallic assigned number plate, a nonrefundable fee of twenty dollars per vehicle shall be paid to the department by the applicant.

(3) The department shall develop a metallic assigned number plate which can be permanently secured to a motor vehicle by rivets. All distinguishing identification number plates shall display seventeen characters. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled vehicle, the department shall use a distinguishing identification number. The

number shall include seventeen positions, the last two being 'NE'. The department shall, at the request of the designated county official, provide the designated county official with a number plate displaying a distinguishing identification number or the manufacturer's number provided by the designated county official.

(4) ~~before registration is obtained.~~

~~(3)~~ Any motor vehicle or trailer to which such a distinguishing identification number is assigned, as authorized in subsection (2) of this section, shall be registered under such distinguishing identification number when registration of the motor vehicle or trailer is required under ~~this act~~ sections 60-102 to 60-117. Except for those excepted in section 60-102, all motor vehicles, commercial trailers, semitrailers, and cabin trailers must have a certificate of title before registration.".

2. On page 4, line 16, strike "2" and insert "3".

3. On page 7, line 6, strike "or", show as stricken, and insert an underscored comma; and in line 7 after the comma insert "or if the inspection is for a Nebraska assigned number,".

4. On page 10, line 9, "this section" and insert "section 3 of this act"; in line 11 after "Original" insert "section 60-105, Reissue Revised Statutes of Nebraska, and "; and in line 12, strike "is" and insert "are".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 424. Placed on General File as amended.
Standing Committee amendment to LB 424:
AM0190

1. On page 31, line 8, after "(3)" insert "Operation of any mover of household goods owned in or within a radius of five miles of the corporate limits of any city or village of this state engaged in the transportation of household goods, except carriers of hazardous materials who are subject to section 75-364, within such city or village or such radius;"; and in line 25 before "An" insert paragraphing and "(4)".

2. On page 32, line 9, strike "(4)" and insert "(5)"; and in line 24 strike "(5)" and insert "(6)".

3. On page 33, line 1, strike "(6)" and insert "(7)"; in line 7 strike "(7)" and insert "(8)"; in line 10 strike "(8)" and insert "(9)"; and in line 13 strike "(9)" and insert "(10)".

4. On page 41, strike lines 13 through 28.

5. On page 52, line 3, strike "upon request" and insert "as required".

6. On page 53, lines 14 and 23, after "23" insert ", 36, and 37".

(Signed) Doug Kristensen, Chairperson

Agriculture

LEGISLATIVE BILL 87. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 369A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 369, Ninety-fourth Legislature, First Session, 1995.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 385	Monday, February 13, 1995	1:30 p.m.
LB 515	Monday, February 13, 1995	1:30 p.m.
LB 531	Monday, February 13, 1995	1:30 p.m.
LB 565	Monday, February 13, 1995	1:30 p.m.
LB 68	Tuesday, February 14, 1995	1:30 p.m.
LB 178	Tuesday, February 14, 1995	1:30 p.m.
LB 683	Tuesday, February 14, 1995	1:30 p.m.
LB 711	Tuesday, February 14, 1995	1:30 p.m.

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Accountability and Disclosure Commission
  Judy Tamisiea
  Charles J. Dougherty, Ph.D.

VOTE: Aye: Senators Robinson, Cudaback, Janssen, Schmitt, Stuhr, and Vrtiska. Absent: Senator Witek.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas Sonntag - Nebraska Oil and Gas Conservation Commission

VOTE: Aye: Senators Avery, Beutler, Bohlke, Bromm, Elmer, Jones, McKenzie, and Preister.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 386 in the Journal. No objections. So ordered.

AM0243

(Amendments to Standing Committee amendments, AM0116)

1. Insert the following new amendment:

"1. Insert the following new section:

'Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

2. On page 1, line 3, strike "company's" and insert "public service entity's".

3. Renumber the remaining amendments accordingly.

SELECT FILE

LEGISLATIVE BILL 144. Mr. Maurstad offered the following amendment:
AM0264

(Amendments to AM0246)

1. Insert the following new section:

"Sec. 4. The Partnerships for Economic Development Cash Fund is created. The fund shall be used for grants pursuant to section 5 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. Renumber the remaining sections accordingly.

Mr. Maurstad withdrew his amendment.

Mr. Beutler offered the following amendment:
FA23

(Amendments to AM0246)

1. On page 3, line 22, before the period insert ", and a project may not receive more than one grant"; and after line 22 insert the following new paragraph:

"For purposes of this section, project means any activity designed to promote the capacity of areas or communities to engage in competition for economic development generally or for categories of economic development and does not include any activity primarily designed to contribute to only one specific proposed business enterprise.".

Mr. Vrtiska offered the following amendment to the pending Beutler amendment:
FA24
Amend FA23 by inserting "in any one year" after "more than one grant" in line 2.

The Vrtiska amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Beutler amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 137. E & R amendment, AM7019, found in the Journal on page 573, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 64. Advanced to E & R for engrossment.

LEGISLATIVE BILL 122. E & R amendment, AM7020, found in the Journal on page 573, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 124. Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 3CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 179. Advanced to E & R for engrossment.

LEGISLATIVE BILL 53. E & R amendment, AM7022, found in the Journal on page 575, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 36. E & R amendment, AM7024, found in the Journal on page 576, was adopted.

Mr. Hall offered the following amendment:

AM0262

(Amendments to E & R amendments, AM7024)

1. Insert the following new section:

"Sec. 5. Section 18-1917, Revised Statutes Supplement, 1994, is amended to read:

18-1917. Any person, partnership, limited liability company, corporation, or other legal entity who installs or repairs any sanitary plumbing within the state shall be a duly qualified master plumber licensed by the city or village nearest the construction site, except that backflow prevention devices may be installed or repaired by a duly qualified master steamfitter or journeyman steamfitter licensed by the city or village nearest the construction site. The employees of the master plumbers who perform the actual installation or repair of sanitary plumbing shall also be licensed as journeymen plumbers by the city or village nearest the construction site.".

2. On page 5, line 20, after the second comma insert "and section 18-1917, Revised Statutes Supplement, 1994,".

3. Renumber the remaining sections accordingly.

The Hall amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 196. E & R amendment, AM7023, found in the Journal on page 579, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 197. E & R amendment, AM7025, found in the Journal on page 582, was adopted.

Mr. Cudaback offered the following amendment:
FA25

1. On page 2, line 9, strike "a" and insert "three"; and in line 10 strike "place" and insert "places".

The Cudaback amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 352. Mr. Kristensen offered the following amendment:
AM0128

1. On page 2, line 8, after "officer" insert "or correctional official".

The Kristensen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 19A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 25A. E & R amendment, AM7026, found in the Journal on page 595, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 173A. E & R amendment, AM7027, found in the Journal on page 595, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 28. Mr. Hall renewed his pending amendment, AM0090, found in the Journal on page 511 and considered on page 529.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Chambers
Day
Engel
Hall
Janssen
Lindsay
Lynch
Robak
Robinson
Schellpeper

Voting in the negative, 29:

Abboud
Avery
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Dierks
Hudkins
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 5:

Bernard-Stevens Brown Elmer Hartnett Schimek

Excused and not voting, 5:

Beutler Fisher Hillman Will Withem

The Hall amendment lost with 10 ayes, 29 ayes, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 31 ayes, 4 nays, 9 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 43. Placed on General File as amended.
Standing Committee amendment to LB 43:
AM0064

1. On page 40, line 25, strike "shall mean" and insert "means".

2. On page 41, line 2, after "(9)" insert "Principal executive officer means the mayor in cities of all classes or the elected chairperson of the governing body of a village or county; (10)"; and in line 9 strike "(10)" and insert "(11)".

3. On page 68, line 3, after "exist" insert "or by a person who by resolution has been authorized and designated by the governing board of a local government to determine that an emergency within the scope of his or her authorization exists. A copy of the resolution shall be filed with the Nebraska Emergency Management Agency to be effective".

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 460. Placed on General File.

LEGISLATIVE BILL 403. Placed on General File as amended.
Standing Committee amendment to LB 403:
AM0250

1. Insert the following new section:

"Sec. 6. It is the intent of the Legislature that the temporary two-dollar increase prescribed in sections 1 to 5 of this act shall be used to fund the acquisition of an imaging system for the records of the Bureau of Vital Statistics of the Department of Health.".

2. On page 2, lines 19 and 20; page 5, lines 10, 11, 26, and 27; page 6, lines 20, 21, and 28; and page 7, line 1, strike "1998" and insert "1999".

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 269. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendment to LB 189:
AM0215

1. Strike the original sections and insert the following new sections:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth ~~district~~ districts there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. Section 43-2,119, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,119. ~~In each county of this state having a population of seventy-five thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.~~ (1) The number of judges of the separate juvenile court in counties which have established a separate juvenile court shall be:

(a) Until July 1, 1996, one judge in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants and two judges in counties having two hundred thousand inhabitants or more; and

(b) On and after July 1, 1996, two judges in counties having seventy-five thousand inhabitants or more.

(2) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.

Sec. 3. Original section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-301.02, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE BILL 730. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.
LEGISLATIVE BILL 776. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 448. Placed on General File as amended.
Standing Committee amendment to LB 448:
AM0251

1. On page 2, strike lines 14 through 16 and insert "in continuing educational programs."; and strike beginning with "Makes" in line 25 through "Submits" in line 27 and insert "Submits an application and".

2. On page 3, line 1, after "board" insert ";

(c) Has registered to take the first examination to be given following the issuance date of the temporary license or certificate; and

(d) Has not been previously issued a license or certificate"; in line 4 after the semicolon insert "and"; and strike lines 5 through 9 and insert:

"(b) Become null and void upon the department's notification that the temporary license holder or temporary certificate holder has either passed or failed the examination.".

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 65. Placed on Select File.

LEGISLATIVE BILL 93. Placed on Select File as amended.
E & R amendment to LB 93:
AM7028

1. On page 1, line 1, strike "and villages".

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 263	Monday, February 27, 1995	1:30 p.m.
LB 332	Monday, February 27, 1995	1:30 p.m.
LB 860	Monday, February 27, 1995	1:30 p.m.
LB 762	Monday, February 27, 1995	1:30 p.m.
LB 328	Monday, February 27, 1995	1:30 p.m.
LB 586	Monday, March 6, 1995	1:30 p.m.
LB 809	Monday, March 6, 1995	1:30 p.m.
LB 874	Monday, March 6, 1995	1:30 p.m.
LB 687	Monday, March 6, 1995	1:30 p.m.
LB 293	Monday, March 6, 1995	1:30 p.m.
LB 767	Monday, March 13, 1995	1:30 p.m.
LB 218	Monday, March 13, 1995	1:30 p.m.
LB 817	Monday, March 13, 1995	1:30 p.m.
LB 768	Monday, March 13, 1995 (Rescheduled)	1:30 p.m.

LR 43CA	Monday, March 13, 1995	1:30 p.m.
LR 45CA	Monday, March 13, 1995	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 76. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 303. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Avery withdrew his name as cointroducer to LB 263.

VISITORS

Visitors to the Chamber were five students and teacher from Chadron State College; former Lieutenant Governor, Bill Nichol, and Mrs. Ruth Nichol; and Senator Bohlke's cousins, Norlin and Christopher Ham.

The Doctor of the Day was Mark Butler from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SECOND DAY - FEBRUARY 7, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Burton Knudsen, First Presbyterian Church, Wahoo, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Bernard-Stevens, Beutler, Brashear, Cudaback, Dierks, Engel, Hall, Hartnett, Kristensen, Landis, Lindsay, Pedersen, Will, Mmes. Brown, Hudkins, McKenzie, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE RESOLUTION 48. Reported to the Legislature for further consideration.

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gretchen Hirschbach - Coordinating Commission on Postsecondary Education

VOTE: Aye: Senators Bohlke, Stuhr, Janssen, McKenzie, and Beutler. Nay: None. Not Voting: Senator Bernard-Stevens. Absent: Senators Warner and Wickersham.

(Signed) Ardyce Bohlke, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 326A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 326, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendment, AM0095, printed separately from the Journal and referred to on page 529, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 288. Title read. Considered.

Standing Committee amendment, AM0117, found in the Journal on page 529, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 386. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0116, found in the Journal on page 529, was considered.

Mr. Warner withdrew his amendment, AM0220, found in the Journal on page 595.

Mr. Warner renewed his pending amendment, AM0243, found in the Journal on page 618, to the Standing Committee amendment.

The Warner amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 452. Title read. Considered.

Standing Committee amendment, AM0123, found in the Journal on page 530, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

MR. HALL PRESIDING

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 21	Monday, February 27, 1995	1:30 p.m.
LB 400	Monday, February 27, 1995	1:30 p.m.
LB 478	Monday, February 27, 1995	1:30 p.m.
LB 479	Monday, February 27, 1995	1:30 p.m.
LB 800	Monday, February 27, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Urban Affairs

LB 193	Tuesday, February 21, 1995	1:30 p.m.
LB 250	Tuesday, February 21, 1995	1:30 p.m.

LB 476	Tuesday, February 21, 1995	1:30 p.m.
LB 608	Tuesday, February 21, 1995	1:30 p.m.
LB 804	Tuesday, February 21, 1995	1:30 p.m.
LB 805	Tuesday, February 21, 1995	1:30 p.m.
LB 806	Tuesday, February 21, 1995	1:30 p.m.
LB 140	Tuesday, February 28, 1995	1:30 p.m.
LB 156	Tuesday, February 28, 1995	1:30 p.m.
LB 207	Tuesday, February 28, 1995	1:30 p.m.
LB 436	Tuesday, February 28, 1995	1:30 p.m.
LB 342	Tuesday, February 28, 1995	1:30 p.m.
LB 665	Tuesday, February 28, 1995	1:30 p.m.
LB 575	Tuesday, March 7, 1995	1:30 p.m.
LB 826	Tuesday, March 7, 1995	1:30 p.m.
LB 864	Tuesday, March 7, 1995	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Agriculture

Governor Appointments Tuesday, February 14, 1995 1:30 p.m.
Nebraska Dry Bean Commission
Kevin L. Kelley
Craig L. Maas
Clifford J. Walker

(Signed) Merton L. Dierks, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 759. Placed on General File.

(Signed) Chris Abboud, Chairperson

Transportation

LEGISLATIVE BILL 264. Placed on General File as amended.
Standing Committee amendment to LB 264:
AM0239

1. Insert the following new section:

"Sec. 11. (1) The Department of Roads may designate portions of the state highway system as a scenic byway when the highway corridor possesses unusual, exceptional, or distinctive scenic, historic, recreational, cultural, or archeological features. The department shall adopt and promulgate rules and regulations establishing the procedure and criteria to be utilized in making scenic byway designations.

(2) Any portion of a highway designated as a scenic byway which is located within the limits of any incorporated municipality shall not be designated as part of the scenic byway, except when such route possesses intrinsic scenic, historic, recreational, cultural, or archeological features which support designation of the route as a scenic byway.".

2. On page 2, strike beginning with "under" in line 12 through "Act" in line 13 and insert "pursuant to section 11 of this act".

3. On page 32, line 17, strike "shall" and insert "may".

4. Renumber the remaining sections and correct internal references accordingly.

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

Standing Committee amendment, AM0111, found in the Journal on page 531, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendment, AM0077, found in the Journal on page 531, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendment, AM0110, found in the Journal on page 531, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Standing Committee amendment, AM0078, found in the Journal on page 531, was considered.

Mr. Avery offered the following amendment to the Standing Committee amendment:
FA26
Amend AM0078 (Standing Committee Amendment)
Add/Insert the following new language:
"and shall make at least one personal visitation with the juvenile within the first eighteen months after appointment to the case,"
Insert on line 6 following the word "thereafter" and before "and"

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Avery amendment lost with 7 ayes, 11 nays, 28 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA27
Amend the Committee Amendment, AM0078, as follows:
after (ii) in line six add the words "may include"

The Beutler amendment lost with 8 ayes, 11 nays, 27 present and not voting, and 3 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Vrtiska requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud
Avery
Bohlke
Crosby
Cudaback
Dierks
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek

Voting in the negative, 10:

Bernard-Stevens
Beutler
Bromm
Brown
Elmer
Kristensen
Matzke
Maurstad
Schrock
Wickersham

Present and not voting, 5:

Brashear
Chambers
Coordsen
Hartnett
Schimek

Absent and not voting, 1:

Pirsch

Excused and not voting, 3:

Day
Will
Withem

Advanced to E & R for review with 30 ayes, 10 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 41, 59, 80, 82, 167, 169, 175, 186, and 274.

Enrollment and Review Change to LB 274

The following changes, required to be reported for publication in the Journal, have been made:
ER9003

1. In the Lindsay amendment, FA19, the new section has been inserted as section 8 and the remaining section renumbered accordingly.
2. On page 1, line 5, "to provide a penalty;" has been struck; and in line 6 "to prohibit setting traps as prescribed; to provide penalties;" has been inserted after the semicolon.
3. On page 2, line 4, "and 4" has been struck and "4, and 8" inserted.
4. On page 3, line 17, the comma has been struck and shown as stricken.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendment to LB 38:
AM0041

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, lines 2, 4, 6, 7, 8, 9, 11, 13, and 14, after "construction" insert "or maintenance".

3. On page 2, line 12, after "Roads" insert "or local authority".

LEGISLATIVE BILL 467. Placed on General File as amended.
Standing Committee amendment to LB 467:
AM0199

1. Insert the following new section:

"Sec. 15. Section 60-1513, Revised Statutes Supplement, 1994, is amended to read:

60-1513. The Department of Motor Vehicles Cash Fund is hereby created. The fund shall be used by the Department of Motor Vehicles to carry out its duties as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any money in the Department of Motor Vehicles Computerization and Operations Fund on July 1, 1995, shall be transferred to the Department of Motor Vehicles Cash Fund on such date.".

2. On page 24, line 12, strike "17, and 19" and insert "16, 18, and 20"; and in line 17 strike the second "and" and after "60-4,181," insert "and 60-1513,".

LEGISLATIVE BILL 254. Indefinitely postponed.
LEGISLATIVE BILL 363. Indefinitely postponed.
LEGISLATIVE BILL 522. Indefinitely postponed.
LEGISLATIVE BILL 857. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARING
Legislative Program Evaluation

LB 450	Wednesday, February 22, 1995	8:00 a.m.
LB 886	Wednesday, February 22, 1995	8:00 a.m.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 12 students and teacher from O'Neill High School.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-THIRD DAY - FEBRUARY 8, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Fred Nelson, First Evangelical Lutheran Church, Lincoln, Nebraska.

PRESIDENT ROBAK PRESIDING

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Avery, Brashear, Chambers, Hall, Landis, Lindsay, Lynch, Matzke, Robinson, Warner, Wesely, Will, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 556. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 399	Wednesday, February 15, 1995	1:30 p.m.
LB 537	Wednesday, February 15, 1995	1:30 p.m.
LB 285	Wednesday, February 15, 1995	1:30 p.m.

LB 669	Wednesday, February 15, 1995	1:30 p.m.
LB 589	Wednesday, February 15, 1995	1:30 p.m.
LB 820	Wednesday, February 15, 1995	1:30 p.m.

LB 807	Thursday, February 16, 1995	1:30 p.m.
LB 517	Thursday, February 16, 1995	1:30 p.m.
LB 729	Thursday, February 16, 1995	1:30 p.m.
LB 233	Thursday, February 16, 1995	1:30 p.m.
LB 772	Thursday, February 16, 1995	1:30 p.m.
LB 230	Thursday, February 16, 1995	1:30 p.m.

LB 514	Wednesday, February 22, 1995	1:30 p.m.
LB 652	Wednesday, February 22, 1995	1:30 p.m.
LB 561	Wednesday, February 22, 1995	1:30 p.m.
LB 757	Wednesday, February 22, 1995	1:30 p.m.
LB 609	Wednesday, February 22, 1995	1:30 p.m.

LR 46CA	Thursday, February 23, 1995	1:30 p.m.

LB 212	Thursday, February 23, 1995	1:30 p.m.
LB 486	Thursday, February 23, 1995	1:30 p.m.
LB 856	Thursday, February 23, 1995	1:30 p.m.
LB 482	Thursday, February 23, 1995	1:30 p.m.

LB 353	Friday, February 24, 1995	1:30 p.m.
LB 530	Friday, February 24, 1995	1:30 p.m.
LB 572	Friday, February 24, 1995	1:30 p.m.
LB 612	Friday, February 24, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

1994 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR	**Subject**	**Completed: Report Issued**	**Completed: No Report Issued**	**Deferred**
474	Initiative 300	X		
365	Animal Damage Control	X		
366	Aquaculture	X		
459	Plant and Animal Species			X

Appropriations

LR	**Subject**	**Completed: Report Issued**	**Completed: No Report Issued**	**Deferred**

370	Norfolk Veterans Home			X*
377	Juvenile Detention Centers			X**
407	Prison Population Projections			X**
493	Budget Development Process			X
492	Job Training	X		

*Public Hearing held August 31, 1994
**Final report expected to be issued January 1, 1995

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
357	Insurance Compacts		X	
358	Credit Insurance			X
359	Model Business Corporation Act		X	
360	Uniform Partnership Act		X	
361	Uniform Limited Partnership Act			X
362	Article 8 Uniform Commercial Code		X	
363	Mortgage Loan Servicing		X	
411	Nonprofit Corporation Act		X	
494	Collision Repair Shops			X

Building Maintenance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
378	Building Projects	X		

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
379	Examine factors contributing to the escalating costs of workers' compensation insurance		X	
380	Procedures, costs, and issues relating to the Commission of Industrial Relations		X	
439	Current statutory requirements and regulations regarding workers' compensation self-insurance		X	
475	Student employment and it's effect on education in Nebraska		X	

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
397	Statutory requirements for instruction of Nebraska History			X
398	Modifications of Tax Equity and Education Opportunities Act		4 hearings	
399	Role and mission of state and local schools regarding outcome			

	standards		hearing	
400	Enrollment Option Program		hearing	
401	Requirements regarding teaching of Native American history and culture			X
402	Contracting services			X
403	Funding of early childhood education		hearing	
404	Practices of admission of nonresident students			X
405	Provisions of school transportation		hearing	
419	Educational Service Units services			X
432	Nonresident tuition policies for postsecondary institutions			X
442	Examine administrative costs of K-12 education			X
465	Establishment of statewide system of technology centers for educators			X
481	Examine Nebraska School Activities Association			X
484	Elementary planning time			X
485	Guidance counseling services in elementary schools			X

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
368	Retail liquor regulation		X	
388	Horseracing		X	
389	Gaming		X	
390	Public Library Services		X	
413	Compulsive Gambling		X	
479	Tribal Gaming		X	
480	Unregulated Gaming		X	

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
392	Local Government Ethics	X		
393	Executive Branch Ethics	X		
436	Conflict of Interest	X		
387	Veterans Service Officers		X	
396	County Government Structure	X		
415	Election of County Officials on Nonpartisan Basis			X
376	Tribal Reservation Wildlife Laws		X	
406	Centralization			X

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
346	Health Care Decisions			X
347	Anatomical Gifts		X	
371	Water Contamination			*
451	Water Contamination			*

373	Mental Health			X
395	Asbestos			X
418	Lead Poisoning			X
457	Lead Poisoning			X
424	Foster Care Review	X		
426	Children and Families		X	
488	Children and Families		X	
438	Adoption		X	
469	Adoption		X	
440	Housing		X	
467	Genetics	X		
468	Nurse Practitioners		X	
470	Parkinson's Disease		X	
471	Licensure Laws			X
473	407 Process			X
476	Board of Health		X	
495	Health and Human Services		X	
508	County Human Services Program	X		

*Continued

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
372	Modification of statutes regarding criminal history record information	X		
375	Examining the verdict of "guilty except insane"	X		
410	Placing a limit on liability of the state under the Tort Claims Act	X		
412	Child support system	X		
416	Feasibility of allowing deputy county attorneys to represent any other political subdivision	X		
425	Review current judicial district boundaries and workloads	X		
437	Child support (done with 412)	X		
441	Current inmate population under the DCS		X	
443	Issues facing criminal justice system	X		
444	Indigency defense system	X		
445	Judicial "burn-out"	X		
446	Issues relevant to the investigation of reports of neglected and abused children	X		
447	Examine the incidence and impact of prenatal exposure to controlled substances	X		
466	Provide recommendations for policies affecting emotional support of children of divorced parents	X		
477	Correctional Industries Programs	X		
478	Privatization of prisons	X		
487	Allowing Department of Social Services to represent abused children and status offenders		X	
490	Impact of repeal of S.S. 83-1,105 contained in LB 529 on Criminal			

	Justice System	X		
491	Allocation of judicial resources among county courts, district courts, and juvenile courts	X		

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
417	Water transfers			X
420	Transmission lines		X	
422	Roadside litter			X
448	Hunting permits			X
449	Conjunctive water use		X	
450	Water transfers			X
451	Water contamination			X
452	Natural Resources Districts			X
453	Instream water appropriations			X
454	Alternate energy sources		X	
455	Federal Energy Policy Act		X	
456	Public Power Districts		X	
458	Game and Parks Commission			X
460	Federal Clean Air Act			X
461	Radioactive waste			X
462	Solid waste			X
463	Environmental hazards			X
464	Natural Resources governmental entities			X
486	Commercial fertilizer fee			X

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
381	Cost of Living Adjustments	*		
382	Buy-back of Prior Service	*		
383	Retirement Study (Investments and Hybrid/Unified system)	X		
430	State Patrol Contribution Rate	*		
431	Benefit Adequacy	*		

*Background information for hearing

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
421	Overall Tax System	X		
367	Agricultural Taxes	X		
482	Tax Structure	X		
384	Agriculture Circuit Breaker	X		
408	K-12 Teachers made State Employees	X		
409	Property Tax Procedure	X		
414	Abolishing Property Taxes			

	for School Purposes	X		
489*	Homestead Exemption			
483	Ethanol Finance			X

*Completion by January 1, 1995

Rules

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
394	Legislative Committees*			

*Hearing is scheduled for December 29, 1994 and the study will be completed prior to the hearing.

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
350	Determine what legislation should be developed to promote the national information superhighway		X	
351	Determine whether competition among local exchange carries should be encouraged by further deregulation to enhance service for telephone subscribers		X	
352	Effect of Laws 1986, LB 835 (telecommunications deregulation), on access charges in Nebraska		X	
353	State's present transportation system		X	
386	Motor vehicle titling program		X	
423	Legislative role in issuing specialized license plates		X	
427	Cable television industry		X	
428	Examine issues related to the telecommunications industry		X	
429	Examine issues related to public and private crossings of railroad tracks			X
472	Examine the Department of Roads project fund allocation procedure and project priority formula or procedure		X	

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
341	Jurisdictional issues related to suburban development near Nebraska cities		X	
434	Regulation of natural gas service by Nebraska municipalities		X	
433	Review of the statutes governing volunteer fire and rescue departments			

	and fire protection districts	X
435	Review proposed legislation and issues which are within the jurisdiction of the Urban Affairs Committee and which might be considered and reviewed by the Committee during the next legislative session	X

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to support; to amend section 43-512.03, Revised Statutes Supplement, 1994; to correct erroneous deletion of a term made in 1994 as part of the enrollment and review process; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 14:

Abboud
Avery
Brashear
Chambers
Hall
Landis
Lindsay
Lynch
Matzke
Robak
Robinson
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend sections 79-2901 to 79-2909, 79-2910 to 79-2959, and 79-2961 to 79-2964, Reissue Revised Statutes of

Nebraska; to transfer sections; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Bernard-Stevens
Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 8:

Abboud
Avery
Brashear
Chambers
Lynch
Robak
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to trailers; to amend section 60-6,246, Reissue Revised Statutes of Nebraska; to delete an incorrect section reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Bernard-Stevens
Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones

Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 8:

Abboud
Avery
Brashear
Chambers
Lynch
Robak
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1994; to eliminate references to a repealed statute; to eliminate obsolete language relating to a reimbursement; to harmonize provisions; to repeal the original section; and to outright repeal section 77-27,186.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens
Bromm

Excused and not voting, 7:

Abboud
Avery
Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to evidence; to amend sections 86-708 and 86-711, Reissue Revised Statutes of Nebraska; to substitute references to sections that were repealed in 1975; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens
Bromm

Excused and not voting, 7:

Abboud
Avery
Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to state government; to amend sections 81-1101, 81-1102, 81-1109, and 81-2004.05, Reissue Revised Statutes of Nebraska; to eliminate provisions providing for transfers of property, personnel, and funds between agencies of state government; to eliminate provisions which required a duty to be performed by a specified date which has passed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-701.06, 81-815.54, 81-1122, 81-1429.02, 81-15,112.02, 81-2004.01, and 81-2004.06, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Bromm
Wesely

Excused and not voting, 6:

Avery
Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-104, Revised Statutes Supplement, 1994; to harmonize provisions with Laws 1994, LB 414; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3801, Reissue Revised Statutes of Nebraska; to define a term relating to financial institution taxes; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek

Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Hall
Wesely

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 133. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3528, Reissue Revised Statutes of Nebraska, and sections 77-3512, 77-3513, 77-3514, 77-3516, and 77-3517, Revised Statutes Supplement, 1994; to change dates relating to homestead exemptions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 134.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2770, and 81-1249, Reissue Revised Statutes of Nebraska, and sections 77-2702.17, 77-2711, 77-2733, and 77-27,188, Revised Statutes Supplement, 1994; to change provisions relating to electronic filings and payments; to change sales and use tax provisions; to change income tax provisions; to redefine terms; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 135. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510 and 77-3514, Revised Statutes Supplement, 1994; to change provisions relating to homestead exemptions; to require confidentiality; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 214. With Emergency.

A BILL FOR AN ACT relating to student health; to amend sections 79-444 and 79-444.06, Reissue Revised Statutes of Nebraska; to allow more health care providers to give physical exams and immunization statements; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. HALL PRESIDING

LEGISLATIVE BILL 268. With Emergency.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1517, Reissue Revised Statutes of Nebraska; to change the date for certifying a tax levy; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 17. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-27,147, Revised Statutes Supplement, 1994; to harmonize provisions with Laws 1994, LB 123; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Brashear
Chambers
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 49. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3439, Revised Statutes Supplement, 1994; to change limitations on property tax receipts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 6:

Brashear
Chambers
Engel
Lynch
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1446, Reissue Revised Statutes of Nebraska, and section 76-1442, Revised Statutes Supplement, 1994; to provide for trial only by the court without a jury; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 1:

Landis

Present and not voting, 1:

Robak

Excused and not voting, 6:

Brashear
Chambers
Engel
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to criminal procedure; to amend section 25-1912, Revised Statutes Supplement, 1994; to eliminate a provision relating to reduction of a sentence; to harmonize provisions; to repeal the original section; and to outright repeal section 29-2308.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 6:

Brashear
Chambers
Engel
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 159.

A BILL FOR AN ACT relating to schools; to amend section 79-4,118, Reissue Revised Statutes of Nebraska; to change provisions relating to loaning textbooks; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 2:

Brown
Schimek

Present and not voting, 1:

Warner

Excused and not voting, 6:

Brashear
Chambers
Engel
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 161.

A BILL FOR AN ACT relating to change of name; to amend section 61-103, Reissue Revised Statutes of Nebraska, and section 61-102, Revised Statutes Supplement, 1994; to change notice requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 4:

Engel
Lynch
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 202 to Select File

Mr. Bernard-Stevens moved to return LB 202 to Select File for the following specific amendment:
AM0294

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new sections:

"Section 1. Section 33-110, Reissue Revised Statutes of Nebraska, is amended to read:

33-110. (1) County clerks shall receive no fee for the performance of the following services: For issuing certificates of election; for performing the duties of clerk of the county board; for taking acknowledgments of claims against the county; for attesting or certifying any document authorized by the county board or required by the departments of the state; or for recording Army or Navy discharges or furnishing certified copies thereof to be used in connection with any claim for compensation or disability. A charge of twenty-five cents shall be made for each certificate and seal not herein excepted. Such fees collected shall be credited to the county general fund.

(2) County clerks shall receive a fee of ~~ten~~ twenty-five dollars for the entire proceedings of issuing a marriage license, administering the related oaths or affirmations, and recording a marriage certificate. An additional fee of five dollars shall be made for each certified copy of a marriage record on file in the office of the county clerk. ~~Both~~ The county clerk shall remit ten dollars of each twenty-five-dollar fee collected to the State Treasurer no later than the fifteenth of each month for credit to

the Domestic Violence and Sexual Assault Prevention Cash Fund. The remainder of such fees shall be deposited in the county general fund.

Sec. 2. Section 42-901, Reissue Revised Statutes of Nebraska, is amended to read:

42-901. Sections 42-901 to 42-929 and section 3 of this act shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 3. The Domestic Violence and Sexual Assault Prevention Cash Fund is created. The fund shall be administered by the department. The department shall determine the programs and services provided pursuant to sections 42-904 and 42-905 which are eligible for reimbursement from the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. "

2. On page 1, line 1, and page 3, line 25, strike "section 33-110" and insert "sections 33-110 and 42-901".

3. On page 1, line 5, after the semicolon insert "to create a fund and to provide for its distribution; to harmonize provisions;".

4. Renumber the remaining sections accordingly.

PRESIDENT ROBAK PRESIDING

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Bernard-Stevens motion to return lost with 14 ayes, 24 nays, 8 present and not voting, and 3 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 3, 5, 6, 9, 13, 15, 16, 26, 133, 134, 135, 214, 268, 17, 49, 52, 127, 159, and 161.

MOTION - Return LB 202 to Select File

Mr. Chambers moved to return LB 202 to Select File for the following specific amendment:
FA29
Strike section 1.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 6:

Avery
Bernard-Stevens
Brown
Chambers
Hudkins
Robinson

Voting in the negative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Elmer
Fisher
Hall
Hillman
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 4:

Dierks
Hartnett
Janssen
Robak

Excused and not voting, 4:

Engel
Schrock
Will
Withem

The Chambers motion to return lost with 6 ayes, 35 nays, 4 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 202.

A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska, and sections 77-1804 and 77-1823, Revised Statutes Supplement, 1994; to change fees relating to marriage licenses, tax sales, and tax deeds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Abboud
Robinson
Schmitt

Excused and not voting, 4:

Engel
Schrock
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Overrule Speaker's Agenda

Mr. Hall moved to change the Speaker's agenda to permit consideration of a motion to return LB 36 for a specific amendment.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall motion to overrule the Speaker's agenda prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Return LB 36 to Select File

Mr. Hall moved to return LB 36 to Select File for the following specific amendment:
FA28
Strike the Hall amendment, AM0262, adopted on Monday, February 6, 1995.

The Hall motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 36. The Hall specific amendment, FA28, found in this day's Journal, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Members Excused

Messrs. Jones, Bromm, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 411. Title read. Considered.

Standing Committee amendment, AM0072, found in the Journal on page 532, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 420. Title read. Considered.

Standing Committee amendment, AM0079, found in the Journal on page 532, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 297. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 334. Title read. Considered.

Standing Committee amendment, AM0151, found in the Journal on page 540, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR 3CA, LBs 19A, 25A, 28, 53, 64, 76, 86, 92, 96, 97, 122, 124, 137, 144, 162, 163, 173A, 179, 196, 197, and 352.

Enrollment and Review Change to LB 64

The following changes, required to be reported for publication in the Journal, have been made:
ER9004
1. On page 2, line 4, "homes" has been struck, shown as stricken, and "home" inserted.

Enrollment and Review Change to LB 92

The following changes, required to be reported for publication in the Journal, have been made:
ER9007
1. In the Standing Committee amendment, AM0046, on page 1, line 16, the stricken comma has been reinstated.

Enrollment and Review Change to LB 97

The following changes, required to be reported for publication in the Journal, have been made:
ER9009
1. On page 78, line 9, an underscored comma has been inserted after "levy".
2. On page 83, line 23, an underscored comma has been inserted after "exchange".

Enrollment and Review Change to LB 144

The following changes, required to be reported for publication in the Journal, have been made:
ER9005
1. In the Beutler amendment, FA23, on page 1, line 1, "3" has been struck and "2" inserted.

Enrollment and Review Change to LB 196

The following changes, required to be reported for publication in the Journal, have been made:
ER9008
1. In the E & R amendments, AM7023, on page 2, line 7, "is" has been struck and "are" inserted.

(Signed) David I. Maurstad, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 8, 1995, at 11:30 a.m., were the following bills: 3, 5, 6, 9, 13, 15, 16, 17, 26, 49, 52, 127, 133, 134, 135, 159, 161, 214, and 268.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 854	Wednesday, February 15, 1995	1:30 p.m.
LB 484	Wednesday, February 15, 1995	1:30 p.m.
LB 316	Wednesday, February 15, 1995	1:30 p.m.
LB 668	Thursday, February 16, 1995	1:30 p.m.
LB 376	Thursday, February 16, 1995	1:30 p.m.
LB 584	Thursday, February 16, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Health and Human Services

LB 839	Wednesday, February 15, 1995	1:30 p.m.
LB 824	Wednesday, February 15, 1995	1:30 p.m.
LB 428	Wednesday, February 15, 1995	1:30 p.m.
LB 485	Wednesday, February 15, 1995	1:30 p.m.

LB 834	Thursday, February 16, 1995	1:30 p.m.
LB 387	Thursday, February 16, 1995	1:30 p.m.
LB 658	Thursday, February 16, 1995	1:30 p.m.
LB 703	Thursday, February 16, 1995	1:30 p.m.
LB 698	Wednesday, February 22, 1995	1:30 p.m.
LB 492	Wednesday, February 22, 1995	1:30 p.m.
LB 654	Wednesday, February 22, 1995	1:30 p.m.
LB 763	Wednesday, February 22, 1995	1:30 p.m.
LB 739	Thursday, February 23, 1995	1:30 p.m.
LB 849	Thursday, February 23, 1995	1:30 p.m.
LR 28	Thursday, February 23, 1995	1:30 p.m.
LB 749	Thursday, February 23, 1995	1:30 p.m.
LB 619	Thursday, February 23, 1995	1:30 p.m.
Governor Appointments Foster Care Review Board Carol Holyoke Kathleen Maloney David Perlman Vicki Powell	Friday, February 24, 1995	1:30 p.m.
LB 578	Friday, February 24, 1995	1:30 p.m.
LB 642	Friday, February 24, 1995	1:30 p.m.
LB 832	Friday, February 24, 1995	1:30 p.m.
LB 777	Friday, February 24, 1995	1:30 p.m.
LB 842	Friday, February 24, 1995	1:30 p.m.
Governor Appointments Child Abuse Prevention Fund Board Regina Tullow-Williams Louise Schleich State Board of Health Dr. Richard Fitzgerald Nancy Gerrard	Wednesday, March 1, 1995	1:30 p.m.
LB 455	Wednesday, March 1, 1995	1:30 p.m.
LB 684	Thursday, March 2, 1995	1:30 p.m.
LB 843	Thursday, March 2, 1995	1:30 p.m.
LB 203	Thursday, March 2, 1995	1:30 p.m.
LB 204	Thursday, March 2, 1995	1:30 p.m.
Governor Appointment State Board of Health Janel Foote	Wednesday, March 8, 1995	1:30 p.m.

LB 726	Wednesday, March 8, 1995	1:30 p.m.
LB 441	Wednesday, March 8, 1995	1:30 p.m.
LB 680	Wednesday, March 8, 1995	1:30 p.m.
LB 611	Wednesday, March 8, 1995	1:30 p.m.
LB 705	Wednesday, March 8, 1995	1:30 p.m.
LB 825	Thursday, March 9, 1995	1:30 p.m.
LB 224	Thursday, March 9, 1995	1:30 p.m.
LB 497	Thursday, March 9, 1995	1:30 p.m.
LB 858	Thursday, March 9, 1995	1:30 p.m.
LB 558	Friday, March 10, 1995	1:30 p.m.
LB 852	Friday, March 10, 1995	1:30 p.m.
LB 694	Friday, March 10, 1995	1:30 p.m.
LB 704	Friday, March 10, 1995	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 474	Wednesday, February 15, 1995	1:30 p.m.
LB 524	Wednesday, February 15, 1995	1:30 p.m.
LB 550	Wednesday, February 15, 1995	1:30 p.m.
LB 571	Wednesday, February 15, 1995	1:30 p.m.
LB 592	Wednesday, February 15, 1995	1:30 p.m.
LB 647	Wednesday, February 15, 1995	1:30 p.m.
LB 868	Wednesday, February 15, 1995	1:30 p.m.
LB 875	Wednesday, February 15, 1995	1:30 p.m.
LB 283	Thursday, February 16, 1995	1:30 p.m.
LB 314	Thursday, February 16, 1995	1:30 p.m.
LB 859	Thursday, February 16, 1995	1:30 p.m.
LB 879	Thursday, February 16, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 407. Placed on General File.
LEGISLATIVE BILL 581. Placed on General File.
LEGISLATIVE BILL 862. Placed on General File.

LEGISLATIVE BILL 145. Placed on General File as amended.
Standing Committee amendment to LB 145:
AM0176

1. Strike the original sections and insert the following new sections:

"Section 1. Section 46-602, Revised Statutes Supplement, 1994, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for all water wells other than test holes and dewatering wells with intended use of ninety days or less shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well. Registration shall be on a form provided by the Director of Water Resources. The form shall contain (a) the name, address, and signature of the owner, (b) the legal description of the water well, (c) the date drilling commenced and the date construction was completed, (d) the intended use of the water well, (e) the description and depth of geologic materials encountered, (f) the depth and diameter or dimension of the constructed water well and test hole, (g) the depth and diameter or dimension of the excavated hole if applicable, (h) the depth of the formation stabilizer or gravel pack and size of particles if used, (i) the depth and thickness of grout or other sealing materials if applicable, (j) casing information, including length, inside diameter, wall thickness, and type of material if applicable, (k) the static water level, (l) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, (m) the yield of the water well in gallons per minute if applicable, (n) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, (o) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, (p) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, (q) the signature of the water well contractor, and (r) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

~~(3) When any water well contractor as defined in section 46-1213 or owner replaces an abandoned water well, the owner shall, within thirty days after the completion of such replacement water well, give notice of replacement to the department by filing in the office of the department a completed water well registration form for the replacement water well.~~

~~(4) When any owner of an abandoned water well in a control area or management area desires to replace the abandoned water well, he or she shall, prior to commencing construction, obtain a permit pursuant to the Nebraska Ground Water Management and Protection Act. The owner of the abandoned water well may immediately proceed to construct a replacement water well and pump water without obtaining a permit if the pump installed in the replacement water well has a column size which is not greater than the pump formerly used in the abandoned water well. Following completion of the replacement water well, notice of such completion shall be given in the manner provided by subsection (3) of this section.~~

~~(5) For purposes of this section, replacement water well shall mean a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed within six hundred feet of the abandoned water well.~~

~~(6)~~ (3) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 2. Section 46-659, Revised Statutes Supplement, 1994, is amended to read:

46-659. (1) Any person who intends to construct a water well~~, except test holes, dewatering wells with intended use of ninety days or less, and water wells which are designed and constructed to pump fifty gallons per minute or less,~~ in a control area or management area in this state on land which he or she owns or controls shall, before commencing construction, ~~file~~ apply with the district in which the water well will be located ~~an application~~ for a permit on forms provided by the district, except that (a) no permit shall be required for test holes or dewatering wells with an intended use of ninety days or less, (b) no permit shall be required for water wells designed and constructed to pump fifty gallons per minute or less, and (c) a district may provide by rule and regulation that a permit need not be obtained for water wells defined by the district to be replacement water wells. Forms shall be made available at each district in which a control area or management area is located, in whole or in part, and at such other places as may be deemed appropriate. The district shall review such application and issue or deny the permit within thirty days after the application is filed.

(2) The application shall be accompanied by a seventeen-dollar-and-fifty-cent filing fee payable to the district, except as provided in subsection (8) of section 46-666, and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining ground water, (d) the intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location by legal description of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, and (h) such other information as the district requires. Before any water well having a capacity of less than one hundred gallons per minute is modified to withdraw ground water at a rate equal to or greater than one hundred gallons per minute, an application shall be filed for a permit pursuant to this section before water is so withdrawn.

(3) Any person who has failed or in the future fails to obtain a permit required by subsection (1) of this section shall make application for a late permit on forms provided by the district.

(4) The application for a late permit shall be accompanied by a two-hundred-fifty-dollar fee payable to the district, except as provided in subsection (8) of section 46-666, and shall contain the same information required in subsection (2) of this section.

Sec. 3. Original sections 46-602 and 46-659, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE BILL 350. Placed on General File as amended.
Standing Committee amendment to LB 350:

AM0057

1. On page 2, line 24, after "proceeding" insert "if the request is made within fifteen days after the decision is rendered".

2. On page 6, strike beginning with "any" in line 9 through "consideration" in line 11 and insert "an application for incidental or intentional underground storage of water pending before the department and filed by the owner of the appropriation".

(Signed) Chris Beutler, Chairperson

Education

LEGISLATIVE BILL 431. Indefinitely postponed.
LEGISLATIVE BILL 454. Indefinitely postponed.
LEGISLATIVE BILL 566. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Judiciary

LEGISLATIVE BILL 303. Placed on General File as amended.
Standing Committee amendment to LB 303:
AM0216

1. Strike the original sections and insert the following new sections:

"Section 1. Section 24-802, Revised Statutes Supplement, 1994, is amended to read:

24-802. Except for the ~~member~~ judge of the Supreme Court who is required to be a member of a judicial nominating commission, each member or alternate member of a commission shall be a resident of the judicial district or area of the state served by such commission except as provided in subsection (2) of section 24-806. Except for the Chief Justice, the member of the Supreme Court designated to serve on a particular nominating commission shall not be a member who was originally selected from the district served by such nominating commission.

Sec. 2. Section 24-803, Revised Statutes Supplement, 1994, is amended to read:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members or alternate citizen members. By October 15, 1995, the Governor shall appoint two alternate citizen members, not of the same political party, to each nominating commission. The term of office of an alternate citizen member of a commission shall be for a period of four years. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of section 24-810.

(3) On and after the operative date of this act, members of the judicial nominating commissions for the office of judge of the district court shall also serve as members of the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that members of the judicial nominating commissions for district judge and county judge in districts 1, 3, 4, and 10 shall be appointed or selected separately to serve on such commissions.

Sec. 3. Section 24-806, Revised Statutes Supplement, 1994, is amended to read:

24-806. (1) Lawyer members and alternate lawyer members of any judicial nominating commission shall be members of the ~~bar of the State of~~ Nebraska State Bar Association and shall reside in the judicial district or area of the state served by the commission except as provided in subsection (2) of this section. Not more than two lawyer members of each commission shall be registered members of the same political party or category, and the two alternate lawyer members shall not be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on or before September 1 of each even-numbered year. Nominations of lawyer members shall be made in writing and filed in the office of the Clerk of the Supreme Court on or before October 1 of each even-numbered year. Each nomination of a lawyer member shall be accompanied by a written consent of the nominee to serve as a member of the commission if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. At least two qualified lawyers shall be nominated for each position. If the Clerk of the Supreme Court is informed or determines that a commission has less than four qualified lawyer members and one alternate lawyer member, a special election shall be held to elect an additional member or members so that the commission shall have a full complement of four lawyer members and two alternate lawyer members. The special election shall be conducted by the Clerk of the Supreme Court in the manner applicable to the regular election of lawyer members of the commissions.

(2) If insufficient nominations are made to provide two candidates from the permissible political parties for each vacancy, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for the position so that there shall be two qualified candidates for each position. Such candidates need not reside in the judicial district or area served by such judicial nominating commission.

(3) The Clerk of the Supreme Court shall mail a ballot with the ~~names~~ name of each nominee to all members of the ~~bar of~~ Nebraska State Bar Association residing in the judicial district or area designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when the ballots will be opened and counted. The ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his or her place. The Clerk of the Supreme Court shall insure that the election is so conducted as to maintain the secrecy of the ballot and the validity of the results. The candidate of the required political party receiving the highest number of votes shall be considered as having been elected to the commission. The candidate of the required political party receiving the next highest number of votes shall be considered as having been elected an alternate lawyer member of the commission and shall serve as a lawyer member of the commission in the event of a lawyer member vacancy of the same political party or category on the commission created either by resignation or disqualification. In the case of a resignation, ~~such~~ an alternate lawyer member shall continue to serve as a member of the commission until the term of office of his or her predecessor expires.

(4) In any election when more than one lawyer member of a judicial nominating commission is to be elected, the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest number of votes shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be

deemed to have been elected for next to the longest term, and if an alternate lawyer member ~~is~~ or members are to be elected, the candidate or candidates receiving the third and fourth highest number of votes shall be deemed elected as the alternate lawyer member or members. In case of ties the determination shall be made by lot by the counting board.

Sec. 4. Section 24-807, Revised Statutes Supplement, 1994, is amended to read:

24-807. Upon the selection of any lawyer member or alternate lawyer member of any judicial nominating commission, the Clerk of the Supreme Court shall promptly certify his or her selection to the Governor and the Secretary of State.

Sec. 5. Section 24-808, Reissue Revised Statutes of Nebraska, is amended to read:

24-808. Each year, on or before September 1, the Clerk of the Supreme Court shall determine what, if any, vacancies exist on any judicial nominating commission and shall report the status of each judicial nominating commission to the Governor. Vacancies relating to any members or alternate citizen members of such commissions appointed by the Governor shall be filled promptly by appointment by the Governor for the unexpired term. Vacancies of lawyer members or alternate lawyer members of ~~said~~ the judicial nominating commission shall be filled promptly by a special election for the unexpired term, conducted by the Clerk of the Supreme Court in the manner applicable to the regular election of lawyer members of ~~said~~ the commissions.

Sec. 6. Section 24-809, Revised Statutes Supplement, 1994, is amended to read:

24-809. The judge of the Supreme Court on each judicial nominating commission shall be the chairperson of the commission and shall preside at all of its meetings. He or she shall not be entitled to vote. In selecting or rejecting judicial nominees, the members of the commission shall vote by oral roll call vote. When it is determined that a judicial vacancy exists in a particular district, the Clerk of the Supreme Court shall determine whether or not there will be eight qualified members of the appropriate judicial nominating commission, including alternate members. If it is determined that there will not be eight members present and capable of voting at the time the commission meets to vote, the judge of the Supreme Court shall inform the Governor of the number of citizen members which need to be appointed and shall inform the Executive Council of the Nebraska State Bar Association of the number of lawyer members which need to be appointed. The Governor shall promptly make such number of citizen appointments as are necessary. The Executive Council of the Nebraska State Bar Association shall nominate two lawyer candidates for each vacancy on the nominating commission which needs to be filled. The nominations shall be sent to the Clerk of the Supreme Court and the lawyer vacancies shall be filled as provided in section 24-806.

There shall be eight qualified commission members present and capable of voting at the time the vote is taken. Each candidate shall receive ~~a majority vote of~~ five votes from the voting members of the nominating commission to have his or her name submitted to the Governor.

Sec. 7. This act becomes operative on January 1, 1997.

Sec. 8. Original section 24-808, Reissue Revised Statutes of Nebraska, and sections 24-802, 24-803, 24-806, 24-807, and 24-809, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE BILL 645. Placed on General File as amended.
Standing Committee amendment to LB 645:
AM0240

1. On page 2, line 17, after the second comma insert "or" and strike ", 28-703, or 28-805".

2. On page 4, line 17, strike "district".

(Signed) John Lindsay, Chairperson

Transportation

LEGISLATIVE BILL 465. Placed on General File as amended.
Standing Committee amendment to LB 465:
AM0278

1. On page 2, line 21, after the first comma insert "military,".

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendment to LB 541:
AM0277

1. On page 2, line 19, after "section" insert "other than a nonprofit organization described in sections 21-608 and 21-609".

2. On page 3, line 15, after the period insert "If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general."; and in line 19 after the period insert "An original issued license plate or plates that have been restored to original condition may be used when approved by the department.".

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 191. Placed on General File as amended.
Standing Committee amendment to LB 191:
AM0182

1. On page 2, line 27, after "greater" insert ". A delinquency charge under this section may be collected only once on each payment due, however long it remains in default. A delinquency charge may be collected at the time it accrues or at any time afterward".

LEGISLATIVE BILL 599. Placed on General File as amended.
Standing Committee amendment to LB 599:
AM0274

1. Insert the following new sections:

"Sec. 9. Section 45-126, Reissue Revised Statutes of Nebraska, is amended to read:

45-126. For the annual renewal of an original license to lend money under ~~the provisions of~~ sections 45-114 to 45-155, the fee shall be one hundred dollars~~; PROVIDED,~~ if no publication of the notice of filing application for the annual renewal license ~~shall be~~ is required as in the case of filing an application for an original license. The money paid under the terms of ~~said~~ sections 45-114 to 45-155 to the Department of Banking and Finance for original licenses, for renewal licenses, for investigation fees, for examination fees, or from any other source, shall be ~~credited to and kept in the Loan Act Fund, established under section 45-127~~ remitted to the State Treasurer for credit to the Financial Institution Assessment Cash Fund pursuant to sections 8-601 and 8-602.

Sec. 13. Section 45-347, Reissue Revised Statutes of Nebraska, is amended to read:

45-347. All money collected under the authority of ~~sections 45-334 to 45-353~~ the Nebraska Installment Sales Act shall be ~~paid into the state treasury by the director and shall be credited by the State Treasurer to the Loan Act Fund established under section 45-127~~ remitted to the State Treasurer for credit to the Financial Institution Assessment Cash Fund pursuant to sections 8-601 and 8-602.

Sec. 15. Section 45-927, Revised Statutes Supplement, 1994, is amended to read:

45-927. All fees, charges, costs, and fines collected by the director under the Delayed Deposit Services Licensing Act shall be remitted to the State Treasurer. Fees, charges, and costs shall be credited to the ~~Loan Act Fund established under section 45-127~~ Financial Institution Assessment Cash Fund pursuant to sections 8-601 and 8-602, and fines shall be credited to the permanent school fund.".

2. On page 17, line 19, after the period insert "Any money in the Loan Act Fund on the effective date of this act shall be transferred to the Financial Institution Assessment Cash Fund on such date.".

3. On page 27, line 9, after the second comma insert "45-126," and after the fourth comma insert "45-347,"; and in line

11 after the fourth comma insert "45-927,".

4. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 405. Placed on General File as amended.
Standing Committee amendment to LB 405:
AM0248

1. Insert the following new section:

"Section 1. (1) On and after January 1, 1996, a person employed exclusively in the office or clinic of a licensed podiatrist shall not perform any of the functions described in subsection (2) of section 71-3515.01 as a part of such employment unless the person is (a) licensed as a limited radiographer under the Radiation Control Act or (b) certified as provided in this section.

(2) The Board of Examiners in Podiatry may certify a person to perform medical radiography on the anatomical regions of the ankle and foot if such person (a) has completed a fifteen-hour course of instruction, approved by the board, on radiation hygiene and podiatric radiological practices, including radiation health and safety, lower extremity anatomy, physics, concepts, physiology, techniques, positioning, equipment maintenance, and minimization of radiation exposure, and (b) passed a competency examination administered by the board.".

2. On page 10, line 25, before the semicolon insert ". Limited radiographer does not include a person certified under section 1 of this act".

3. On page 16, line 12, after the period insert "Persons authorized under sections 71-193.15 and 71-193.17 to practice as dental hygienists and dental auxiliaries who meet the requirements of section 71-193.13 shall not be required to be licensed under this section.".

4. On page 19, line 25, reinstate the stricken matter.

5. On page 25, line 21, strike "September 1, 1994," and insert "the effective date of this act"; in line 26 after "71-3515.02" insert "and the anatomical region of abdomen"; and in line 27, strike "two years of age" and insert "the age of six months, except (a) upon a finding by the department that continued provision of service for a community would be in jeopardy if this provision is enforced, (b) for an employee of a hospital licensed and in good standing under Chapter 71 and located in a rural area as defined in subsection (8) of section 71-5653, or (c) in a bona fide emergency situation".

6. On page 27, lines 27 and 28, strike the last underscored comma, reinstate the stricken "or a certified physician assistant", and after the reinstated "assistant" insert an

underscored comma.

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendment to LB 414:
AM0249

1. Strike original section 22 and insert the following new sections:

"Sec. 17. Section 71-1721.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1721.02. (1) The ~~collaborative~~ cooperative relationship between the licensed practitioner and the advanced registered nurse practitioner shall be subject to the joint control and regulation of the boards.

(2) All complaints concerning alleged violations of the scope of practice set forth in section 71-1721 shall be brought to the attention of both boards.

(3) In order for either of the boards to transact business, a quorum of such board's membership shall be present, and in order for either of the boards to take any action, a majority of such board's membership shall vote in the affirmative. Except when one of the boards is specifically authorized by the Advanced Registered Nurse Practitioner Act to take independent action, both boards shall concur when action by the boards is called for under ~~such~~ the act. The boards shall keep a record of all their proceedings relative to ~~such~~ the act.

Sec. 23. (1) Before beginning practice as an advanced registered nurse practitioner, a licensee shall (a) submit to the department cooperative agreements with at least one physician, (b) furnish proof of jointly approved protocols with the collaborating licensed practitioner which shall guide the nurse practitioner's practice, and (c) furnish proof of professional liability insurance required under section 25 of this act.

(2) An advanced registered nurse practitioner (a) who has a master's degree or doctorate degree in nursing and has completed an approved nurse practitioner program, (b) who can demonstrate separate course work in pharmacotherapeutics, advanced health assessment, and pathophysiology or psychopathology, and (c) who has completed a minimum of two thousand hours of practice under the supervision of a physician shall not be required to have the protocols required by subdivision (1)(b) of this section.

(3) If, after a diligent effort to obtain a cooperative agreement, an advanced registered nurse practitioner is unable to obtain a cooperative agreement with one physician, the department may waive the requirement of a cooperative agreement upon a showing that the applicant (a) meets the requirements of subsection (2) of this section, (b) has made a diligent effort to obtain a cooperative agreement, and (c) will practice in a geographic area where there is a shortage of health care services.

Sec. 24. Nothing in the Advanced Registered Nurse Practitioner Act shall prohibit an advanced registered nurse practitioner from consulting or collaborating with and referring patients to health care providers not included in the practitioner's cooperative agreement.

Sec. 25. (1) Advanced registered nurse practitioners shall maintain in effect professional liability insurance with such coverage and limits as may be established by the board.

(2) If an advanced registered nurse practitioner renders services in a hospital or other health care facility, he or she shall be subject to the rules and regulations of that facility. Such rules and regulations may include, but need not be limited to, reasonable requirements that the advanced registered nurse practitioner and all collaborating licensed practitioners maintain professional liability insurance with such coverage and limits as may be established by the hospital or other health care facility upon the recommendation of the medical staff.".

2. On page 3, line 25, after "practitioners" insert "and certified registered nurse anesthetists".

3. On page 5, strike lines 13 through 18, show the old matter as stricken, and insert "unless the practitioner regularly engages in dispensing such drugs and medicines to his or her patients for which such patients are charged. Medical practitioners who regularly engage in dispensing drugs and medicines to his or her patients and who charge for such drugs shall obtain a pharmacy permit and comply with all".

4. On page 13, line 1, strike "certain"; strike beginning with "authored" in line 19 through "medicine" in line 24, show the old matter as stricken, and insert "between an advanced registered nurse practitioner and a physician licensed in Nebraska"; and strike beginning with "This" in line 26 through line 28.

5. On page 14, line 1, strike the new matter.

6. On page 15, strike beginning with "including" in line 27 through "measures" in line 28 and insert "except controlled substances listed in Schedule II of section 28-405 not otherwise provided for in this section".

7. On page 16, line 1, after the underscored period insert "An advanced registered nurse practitioner may prescribe controlled substances listed in Schedule II of section 28-405 used for pain control for a maximum seventy-two-hour supply if any subsequent renewal of such prescription is by a licensed physician."; in lines 25 and 26 strike beginning with "one" through "each", show the old matter as stricken, and insert "five advanced registered nurse practitioners representing different"; and in line 27 strike "specialty", show as stricken, and insert "specialties".

8. On page 18, line 28, after the semicolon insert "and".

9. On page 19, strike the new matter in lines 3 through

6; and in line 10 strike "(8)" and insert "(6)".

10. On page 28, line 12, after the last comma insert "71-1721.02,"; and in line 19 strike "and 71-1721.01" and insert "71-1721.01, and 71-1721.03".

11. Renumber the remaining sections and correct internal references accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 296 in the Journal. No objections. So ordered.

AM0297

1. Strike sections 1 to 3 and all amendments thereto and insert the following new section:

"Section 1. VA. Code Ann. sec. 13,1-1038 is adopted.".

2. Renumber the remaining section accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 305 in the Journal. No objections. So ordered.

AM0288

(Amendments to Standing Committee amendments, AM0078)

1. On page 1, line 4, after "which" insert "(i)"; in line 5 strike "(i)"; in line 6 strike "(ii)"; and in line 7 strike beginning with "caseworkers" through "and" and insert "the most current caseworker, foster parent, or other custodian and (ii)".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 112. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 149. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 158. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 496. No objections. So ordered.

VISITORS

Visitors to the Chamber were 120 seventh grade students and teachers from Pound Junior High, Lincoln; John and Carol Pitts from Livermore, California and Christine, Helen, and Nora Grosh from Lincoln; Orv

Johnson from Wahoo; Harold Rosenkotter from Grand Island; Jonathan Vortman from Carleton; Bill Johnson from Beatrice; and a group from "Leadership Kearney."

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Pedersen, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 9, 1995

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 9, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Ed Brown, Second Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Engel and Withem who were excused; and Messrs. Bromm, Lindsay, Warner, Wickersham, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 665, line 25, strike "LB 281" and insert "LB 283".
The Journal for the twenty-third day was approved as corrected.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to employment security; to amend sections 48-606.01, 48-617 to 48-619, 48-625 to 48-627, 48-628.03, 48-630, 48-661, 81-1201.21, and 85-1540, Reissue Revised Statutes of Nebraska, and sections 48-621, 48-628, 48-652, and 48-655, Revised Statutes Supplement, 1994; to standardize the numbering system of the sections; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Will
Witek

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 7:

Bromm
Engel
Lindsay
Robak
Warner
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to historic preservation; to eliminate the Task Force on Historic Preservation; and to outright repeal sections 82-501 to 82-507, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Will
Witek

Voting in the negative, 0.

Excused and not voting, 7:

Bromm
Engel
Lindsay
Robak
Warner
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to the Private Postsecondary Career School Act; to amend sections 79-2801 to 79-2808, 79-2810 to 79-2838, 79-2842 to 79-2846, 79-2848 to 79-2853, and 79-2855 to 79-2863, Reissue Revised Statutes of Nebraska; to transfer sections; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to public buildings; to amend section 81-177, Reissue Revised Statutes of Nebraska; to substitute section references to current law for a reference to a chapter and article from which all sections have been repealed or transferred; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to county-city jails; to amend section 47-303, Reissue Revised Statutes of Nebraska; to correct an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Schimek

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to beef industry development; to eliminate obsolete transition provisions; and to outright repeal sections 54-2120 to 54-2126, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to veterans; to amend section 80-304.01, Reissue Revised Statutes of Nebraska; to eliminate a reference to a statute repealed in 1974; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to the Governor's Policy Research Office; to repeal an obsolete provision directing the substitution of certain phrases in the statutes; and to outright repeal section 84-140.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Excused and not voting, 5:

Bromm
Engel
Lindsay
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 4CA to Select File

Mr. Kristensen moved to return LR 4CA to Select File for the Withem specific amendment, AM0083, found in the Journal on page 512.

The Kristensen motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 4CA. The Withem specific amendment, AM0083, found in the Journal on page 512, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LR 21CA to Select File

Mrs. Pirsch moved to return LR 21CA to Select File for the Withem specific amendment, AM0085, found in the Journal on page 512.

The Pirsch motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 21CA. The Withem specific amendment, AM0085, found in the Journal on page 512, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate the offense of adultery; and to outright repeal section 28-704, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 8:

Avery
Bromm
Dierks
Hillman
Jensen
Kristensen
Pirsch
Vrtiska

Excused and not voting, 3:

Engel
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 48 to Select File

Ms. Schimek moved to return LB 48 to Select File for the following specific amendment:
FA30
Attach the "E" clause

The Schimek motion to return prevailed with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 48. The Schimek specific amendment, FA30, found in this day's Journal, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 152. With Emergency.

A BILL FOR AN ACT relating to elections; to eliminate a requirement that voter registration cards be inserted in income tax booklets and related duties of the Department of Revenue; to outright repeal section 77-370.01, Revised Statutes Supplement, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham

Will
Witek

Voting in the negative, 2:

Chambers
Hall

Present and not voting, 2:

Cudaback
Robinson

Excused and not voting, 4:

Engel
Pirsch
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to employment security; to amend section 48-634, Reissue Revised Statutes of Nebraska; to change provisions relating to administrative appeal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Dierks
Hall

Excused and not voting, 4:

Engel
Pirsch
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 1CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the primary election in May 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law~~;~~ and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham

Will Witek

Voting in the negative, 3:

Chambers Kristensen Lindsay

Present and not voting, 1:

Maurstad

Excused and not voting, 4:

Engel Pirsch Warner Withem

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

GENERAL FILE

LEGISLATIVE BILL 240. Considered.

Mr. Hall offered the following amendment:
AM0318

1. On page 4, line 12, after "services" insert "at no cost to such individual"; and in line 16 after "by" insert "rule and regulation of" and strike "pursuant to" and insert "which is in compliance with".

Messrs. Avery and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Hall amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 279. Placed on General File.
LEGISLATIVE BILL 489. Placed on General File.

LEGISLATIVE BILL 456. Placed on General File as amended.
Standing Committee amendment to LB 456:
AM0298

1. On page 4, line 1, after "as" insert "(a) if the acquired institution is a bank,"; in line 4 after "bank" insert "or (b) in a cross-industry merger under section 8-1510 in which the

acquired institution and its detached branches are converted to detached branch banks of the acquiring bank, the provisions of such section have been satisfied".

2. On page 5, line 3, after the period insert "Regardless of the date of acquisition of such financial institution or whether the acquired financial institution was state-chartered or federally chartered, the acquired institution shall be deemed for purposes of this subsection to have been permitted to establish and maintain detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new detached branch.".

3. On page 6, line 25, after the underscored period insert "Regardless of the date of acquisition of such detached branch bank or eligible savings association or whether the acquired detached branch bank or eligible savings association was state-chartered or federally chartered, the acquired detached branch bank or eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new detached branch.".

4. On page 7, line 7, after the underscored period insert "Regardless of the date of acquisition of such detached branch of an eligible savings association or whether the acquired detached branch of an eligible savings association was state-chartered or federally chartered, the acquired detached branch of an eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain detached branches solely to the extent permitted to state-chartered financial institutions under section 8-345.02 at the time of establishment of a new detached branch.".

5. On page 9, line 10, after the underscored period insert "Regardless of the date of acquisition of such failing institution or whether the acquired failing institution was state-chartered or federally chartered, the acquired failing institution shall be deemed for purposes of this section to have been permitted to establish and maintain detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of section 8-157 or under section 8-345.02 at the time of establishment of a new detached branch.".

6. On page 11, line 2, after the underscored period insert "Regardless of the date of acquisition of such detached branch or whether the acquired eligible savings association or the detached branch was state-chartered or federally chartered, the acquired eligible savings association or detached branch shall be deemed for purposes of this subsection to have been permitted to establish and maintain detached branches solely to the extent

permitted to state-chartered financial institutions under section 8-345.02 at the time of establishment of a new detached branch.".

LEGISLATIVE BILL 626. Placed on General File as amended.
Standing Committee amendment to LB 626:
AM0299

1. On page 3, line 9, strike the comma and insert "and"; strike beginning with the comma in line 10 through "committee" in line 11; strike beginning with the first comma in line 12 through the first "matters" in line 13 and insert "or proceedings"; and in line 14 after "committee" insert "except that information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or admissibility in any civil action merely because such information, documents, or records were evaluated by the compliance review committee".

LEGISLATIVE BILL 477. Indefinitely postponed.

(Signed) David Landis, Chairperson

Agriculture

LEGISLATIVE BILL 356. Placed on General File as amended.
Standing Committee amendment to LB 356:
AM0317

1. On page 4, line 21, after the underscored comma insert "reporting format,".

LEGISLATIVE BILL 434. Placed on General File as amended.
Standing Committee amendment to LB 434:
AM0232

1. On page 2, line 9, after "on" insert "the first marketing of"; strike beginning with "any" in line 13 through "law" in line 14 and insert "an entity governed by soybean producers"; and in line 21 after "Nebraska" insert "including collecting assessments as described in subdivision (2) of this section and depositing the qualified state soybean board's portion of such assessments in the Soybean Development, Utilization, and Marketing Fund".

2. On page 3, line 19, strike "of the sale" and insert "on the marketing"; and in line 22 strike "board" and insert "Soybean Development, Utilization, and Marketing Board".

3. On page 4, line 12, after "corporation" insert "described in section 2 of this act"; in lines 18 and 28 strike "January 1, 1996" and insert "October 1, 1995"; in line 19 strike "members" and insert "directors"; in line 20 after "terms" insert "would"; in line 22 strike "Elections of" and insert "Except for the election of an at-large member who shall be elected by the board, elections of subsequent"; and in line 23 strike "are" and

insert "shall be by districts to provide adequate representation of producers and such elections will be".

4. On page 5, line 2, strike "January 1, 1996" and insert "October 1, 1995"; in line 4 after "accountant" insert "in accordance with any requirements of the federal Soybean Promotion, Research, and Consumer Information Act of 1990, 7 U.S.C. 6301 et seq., and any regulations under such act"; in line 8 after the underscored period insert ", or any substantially similar successor federal act which provides for an assessment on the marketing of soybeans for purposes similar to the purposes provided in the federal Soybean Promotion, Research, and Consumer Information Act of 1990"; in lines 20 and 21 strike "the Nebraska soybean producers" and insert "a two-thirds vote of the directors of the private nonprofit corporation"; and in lines 26 and 27 strike "December 31" and insert "September 30".

5. On page 6, line 7, strike "3" and insert "2"; in line 8 strike "December" and insert "August"; in line 10 after "with" insert "subsection (1) of", strike "and", and after "(c)" insert "provides to the state Director of Agriculture written documentation showing that the corporation has been certified by the United Soybean Board as a qualified state soybean board, and (d)"; in line 15 strike "January 1, 1996" and insert "October 1, 1995"; in line 19 strike "1 to 7" and insert "2 to 4"; in line 24 strike "December 15" and insert "September 1"; and in line 26 strike "sections 1 to 7" and insert "section 3".

6. On page 7, lines 4 and 5, strike "December 31" and insert "September 30"; in line 9 after "corporation" insert "as described in sections 2 and 3 of this act"; in lines 10 and 18 strike "January 1, 1996" and insert "October 1, 1995"; in line 11 strike "1 to 7" and insert "2 to 4"; and in line 24 strike "1 to 7" and insert "2 to 5".

7. On page 8, line 20, after "funds" insert "and".

8. On page 11, line 7, strike "January 1, 1996" and insert "October 1, 1995".

LEGISLATIVE BILL 557. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendment, AM0054, found in the Journal on page 544, was considered.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Standing Committee amendment, AM0053, found in the Journal on page 544, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Hudkins renewed her pending amendment, AM0297, found in the Journal on page 678.

Mrs. Hudkins withdrew her amendment.

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 77. Title read. Considered.

Standing Committee amendment, AM0159, found in the Journal on page 548, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MR. WILL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendment, AM0160, found in the Journal on page 548, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Jones, Wehrbein, Wickersham, Lynch, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister offered the following amendment:
FA31
on page 2 section 3 line 15 strike "a nonprofit" and strike "with regard to any lawful product"
in line 15 after "to" insert "an"

Mr. Hall requested a division of the question on the Preister amendment.

The Chair sustained the division of the question.

The first Preister amendment is as follows:
FA32
on page 2 section 3 line 15 strike "a nonprofit"
in line 15 after "to" insert "an"

Messrs. Bernard-Stevens, Beutler, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The first Preister amendment lost with 7 ayes, 9 nays, 25 present and not voting, and 8 excused and not voting.

The second Preister amendment is as follows:
FA33
strike "with regard to any lawful product"

Mr. Preister asked unanimous consent to withdraw his second amendment, FA33. No objections. So ordered.

Mrs. McKenzie, Messrs. Wehrbein, and Landis asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 83. Placed on Select File as amended.
E & R amendment to LB 83:
AM7032
1. In the Standing Committee amendments, AM0098:
a. On page 1, line 12, strike "practice", show as

stricken, and insert "practices"; in line 13 strike "involves", show as stricken, and insert "involve"; and in line 21 strike "purpose", show as stricken, and insert "purposes";

b. On page 2, line 21, strike "practice and profession", show as stricken, and insert "practices and professions";

c. On page 4, line 21, after "cosmetology" insert "or electrology" and after "instructor" insert "or electrology instructor"; and in line 27 strike "or", show as stricken, and insert ", a";

d. On page 5, line 1, strike "or" and insert ", or a"; and strike beginning with "All" in line 17 through the period in line 20 and show the old matter as stricken;

e. On page 11, line 8, after "electrology" insert "beginning January 1, 1996"; and in line 9 after "electrologist" insert "beginning January 1, 1996";

f. On page 13, line 16, after "instructor" insert an underscored comma;

g. On page 17, line 9, strike "respectively" and insert "as electrologists or electrology instructors, respectively,";

h. On page 19, line 9, strike "exams" and insert "examinations";

i. On page 20, line 2, strike "1995" and insert "1997"; and in line 11 strike "that";

j. On page 21, lines 23 and 26; page 22, lines 5, 9, and 16; page 23, line 18; page 43, line 23; and page 46, line 15, after the first underscored comma insert "a";

k. On page 22, line 16, after "or" insert "an";

l. On page 23, line 18, after "or" insert "an";

m. On page 40, line 21, strike "service" and insert "services";

n. On page 43, line 3, after "electrology" insert "establishment"; and

o. On page 49, line 1, strike "electrologist" and insert "electrologists".

2. On page 1, strike beginning with "33-150" in line 1 through line 6 and insert "71-340 to 71-343, 71-362, 71-364, 71-368, 71-371, 71-376, 71-377, 71-381, 71-386, 71-387, 71-389, 71-390, 71-392, 71-394, 71-395, 71-396, 71-3,102, 71-3,105 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,137, 71-3,139 to 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,159, 71-3,160, 71-3,162 to 71-3,164, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-374, 71-382, and 71-397, Revised Statutes Supplement, 1994; to provide for regulation of electrology; to require licenses, continuing education, and fees; to change provisions relating to regulation of cosmetology; to change the membership of the Board of Cosmetology Examiners; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 119. Placed on Select File.
LEGISLATIVE BILL 501. Placed on Select File.
LEGISLATIVE BILL 502. Placed on Select File.
LEGISLATIVE BILL 136. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE RESOLUTION 33CA. Placed on General File as amended.
Standing Committee amendment to LR 33CA:
AM0303

1. On page 1, lines 14 and 15, strike the new matter and reinstate the stricken matter; and strike beginning with "not" in line 15 through "members" in line 17, show the old matter as stricken, and insert "have such qualifications as provided by the Legislature and".

(Signed) Ardyce Bohlke, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 36.

Enrollment and Review Change to LB 36

The following changes, required to be reported for publication in the Journal, have been made:
ER9006

1. In the E&R amendments, AM7024, on page 4, line 15, the semicolon has been struck, shown as stricken, and an underscored comma inserted.

2. On page 1, the matter beginning with "cities" in line 3 through the first "for" in line 4 has been struck; and in line 5 "in cities of the primary class" has been inserted after "plumbers".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Stuhr asked unanimous consent to print the following amendment to LB 195 in the Journal. No objections. So ordered.

AM0261

1. Insert the following new sections:

"Sec. 3. Section 32-542, Revised Statutes Supplement, 1994, is amended to read:

32-542. Three school board members shall be elected for each Class II school district at each statewide ~~primary~~ general election, except that when a Class II school district is created by a Class I school district which determines by a majority vote to establish a high school pursuant to section 79-701, a six-member board shall be elected at the next statewide ~~primary~~ general election and the three members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years. Each member's term of office shall begin on the ~~first Tuesday in June following his or her election~~ date of the first regular meeting of the board in December following the statewide general election and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The terms of board members holding office on the effective date of this act shall be extended to the first regular meeting of the board in December following the statewide general election. The school board members of a Class II school district shall meet the qualifications found in section 79-443.01.

Sec. 5. Section 79-701, Reissue Revised Statutes of Nebraska, is amended to read:

79-701. (1) A Class II school district shall be created whenever a Class I school district determines by a majority vote of the qualified voters at an annual or special meeting to establish a high school.

The members of the school board serving when it is decided to establish a high school shall continue in office until the ~~first Tuesday in June following the next statewide primary election~~ first regular meeting of the board in December following the statewide general election. The Class II school district board shall be elected pursuant to section 32-542.

(2)(a) If a Class II school district, by a vote of fifty-five percent of the qualified voters voting at an annual or special meeting, decides to discontinue the high school and close the same, the school district shall thereupon become a Class I school district on the date designated by such voters. At such meeting a decision shall be made as to when the new school board shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children who are five through twenty years of age. The school board of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

(b) If the new school board is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for terms of three years each. All officers so elected shall hold their offices until successors are elected and qualified. After such change becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

(c) If the new school board is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in section 32-541 or as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual school meeting or at a special school meeting called for the purpose of electing school district officers.

(3) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine through twelve. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.".

2. On page 3, line 27, after "Original" insert "section 79-701, Reissue Revised Statutes of Nebraska, and" and after the second comma insert "32-542,".

3. Renumber the remaining sections accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 121 in the Journal. No objections. So ordered.

FA34

Page 2 line 11 strike "." and insert "except that one separately ventilated room may be designated as a smoking area in the Nebraska State Capitol. Such area shall not be a restroom or the cafeteria.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 216. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Financial Women, Int. from across the state; 28 fourth grade students and teacher from St. Peter's

Elementary, Lincoln; Senator Stuhr's daughter and granddaughter, Cindy and Cally Hendricks, from Omaha; and Joyce Klebe and Margaret Stahl from Fremont.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, February 10, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIFTH DAY - FEBRUARY 10, 1995

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY - FEBRUARY 10, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dan Cate, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Brashear, Bromm, Chambers, Hall, Kristensen, Landis, Lindsay, Lynch, Pedersen, Warner, Wehrbein, Wickersham, Will, Mmes. Bohlke, McKenzie, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

REPORTS

The following reports were received by the Legislature:

Equal Opportunity Commission
  Biennial Report

Investment Finance Authority, Nebraska (NIFA)
  Quarterly Report - 1992 Series A and Series B Community Development Loan Notes (City of Lincoln) Program (Neb. Rev. Stat. § 58-270(4))

Roads, Department of

Biennial Report for the Nebraska Public Transportation Assistance Program
Projected Highway User Revenue Distribution for January 1995 - June 1996

Social Services, Department of
Inquiries from the federal government pursuant to the Nebraska Welfare Reform Act

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Bracket LB 60

Mr. Schmitt moved that LB 60 be bracketed until January 15, 1996.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 1, 2, 4, 8, 10, 11, 12, 14, 22, 152, 202, 239, and LR 1CA.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 596: Dr. Michael Haller - Rural Health Advisory Commission.

Voting in the affirmative, 25:

Avery
Brown
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
Pirsch
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Fisher
Robak
Schellpeper

Excused and not voting, 21:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Day
Hall
Hartnett
Kristensen
Landis
Lindsay
Lynch
McKenzie
Pedersen
Schimek
Warner
Wehrbein
Will

The appointment was confirmed with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 617: Judy Tamisiea and Charles J. Dougherty, Ph.D. - Accountability and Disclosure Commission.

Voting in the affirmative, 25:

Brown
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hillman
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
Pirsch
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Avery
Fisher
Hudkins
Robak
Schellpeper

Excused and not voting, 19:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Hartnett
Kristensen
Landis
Lindsay
McKenzie
Pedersen
Schimek
Warner
Wehrbein
Wickersham
Will

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 83A. Title read. Considered.

Mr. Cudaback offered the following amendment:
AM0340
1. On page 2, strike beginning with "$5,300" in line 1

through "General" in line 4 and insert "$16,759 from the Bureau of Examining Boards' Cash Fund for FY1995-96 and (2) $17,006 from the Bureau of Examining Boards' Cash".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Cudaback amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 144A. Title read. Considered.

Mr. Vrtiska offered the following amendment:
AM0225

1. Strike section 2.

2. On page 2, strike beginning with "and" in line 2 through "Fund" in line 3; and strike beginning with "and" in line 4 through "Fund" in line 5.

The Vrtiska amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Vrtiska requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery
Bohlke
Brashear
Bromm
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wesely
Withem

Voting in the negative, 2:

Pirsch
Witek

Present and not voting, 3:

Brown
Maurstad
Schrock

Excused and not voting, 13:

Abboud
Bernard-Stevens
Beutler
Coordsen
Hartnett
Kristensen
Landis
Lindsay
McKenzie
Warner
Wehrbein
Wickersham
Will

Advanced to E & R for review with 31 ayes, 2 nays, 3 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 412. Placed on Select File.

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendment to LB 182:
AM7038

1. In the Standing Committee amendments, AM0095:

a. On page 1, line 24, strike "Number 130," and insert "130 entitled";

b. On page 3, line 26; page 4, lines 4 and 16; page 5, line 13; page 6, lines 7 and 10; and page 36, line 5, strike "licensed" and insert "registered";

c. On page 15, line 11, after "act" insert an underscored comma;

d. On page 18, line 10, strike "such" and show as stricken; and in line 11 after "sections" insert "66-482 to 66-4,149";

e. On page 33, line 16, strike "section", show as stricken, and insert "sections";

f. On page 37, line 21; and page 51, line 23, strike the comma;

g. On page 39, line 9, strike "the" and insert "this";

h. On page 47, line 15, after the period insert "Any money in the diesel fuel importers trust fund and the motor vehicle fuel importers trust fund on the operative date of this section shall be transferred to the motor fuel trust fund on such date.";

i. On page 50, line 10, strike "funds", show as stricken, and insert "fund"; and

j. On page 56, lines 10 and 13, before "Nebraska" insert "the".

2. On page 1, strike beginning with "fuel" and in line 1 through line 8 and insert "fuels; to amend section 87-411, Reissue Revised Statutes of Nebraska, and sections 39-2215, 39-2215.01, 39-2216, 52-1401, 60-302, 60-312, 66-482, 66-490, 66-491, 66-492,

66-493, 66-4,141, 66-4,142, 66-4,143, 66-4,144, 66-4,147, 66-651, 66-654, 66-668, 66-672, 66-673, 66-681, 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, 66-712, 66-719.01, 66-726, 66-727, 66-733 to 66-737, 66-740, 66-1345, 66-1414, 66-1510, 77-381, and 77-2704.05, Revised Statutes Supplement, 1994; to adopt the Compressed Fuel Tax Act; to change provisions relating to taxation of motor fuels; to authorize an exempt use of diesel fuel; to continue and provide duties for a task force; to eliminate provisions relating to an alternative fuel user permit and the Petroleum Products Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 66-689, 66-690, 66-692, 66-693,".

LEGISLATIVE BILL 288. Placed on Select File as amended.
E & R amendment to LB 288:
AM7031

1. On page 1, lines 2 and 3, strike "sections 76-901, 76-903, and" and insert "section"; and strike beginning with the first "and" in line 5 through "provisions" in line 6 and insert "for certain instruments".

LEGISLATIVE BILL 386. Placed on Select File as amended.
E & R amendment to LB 386:
AM7033

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency.

LEGISLATIVE BILL 452. Placed on Select File as amended.
E & R amendment to LB 452:
AM7037

1. On page 1, line 2, after "46-543," insert "77-205, 77-206,".
2. On page 1, lines 13 and 14; and page 37, line 15, strike "77-1506.02 and 77-1385 to 77-1388" and insert "77-1385 to 77-1388 and 77-1506.02".

LEGISLATIVE BILL 158. Placed on Select File as amended.
E & R amendment to LB 158:
AM7034

1. On page 3, line 4, after "claim" insert an underscored period.

LEGISLATIVE BILL 270. Placed on Select File.

LEGISLATIVE BILL 271. Placed on Select File as amended.
(E & R amendment, AM7036, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 305. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 9, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, John H. - Omaha	International Gamco, Inc.
Bredthauer, Trudy Saunders - Omaha	Nebraska Methodist Health System, Inc.
Byrd, Eric - Lincoln	Nebraska Health Care Association
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Lincoln General Hospital
Knapp, Patricia, A. - Lincoln	Boyd County Monitoring Committee
Kruse, Larry D. - Blue Springs, MO	Glaxo Inc.
Lanz, Tom - Lincoln	Safari Club - Nebraska Chapter
Lee, Ken D. - Omaha	Citizens Committee
Milligan, Cynthia H. - Lincoln	Farmers State Bank
Mueller, William J./Knudsen Berkheimer Richardson	
Mueller, William J. - Lincoln	Nebraska Section of The American College of Obstetricians and Gynecologists
Orton, Lee - Lincoln	Nebraska State Irrigation Association Nebraska Well Drillers Association
Palmer, Betsy - Lincoln	American Association of Retired Persons
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Nebraska Automatic Merchandising Council
Rickel, Charles W. - Lincoln	National Association Retired Federal Employees, Nebraska Federation
Ruth, Larry L./Knudsen Berkheimer Richardson	
Ruth, Larry L. - Lincoln	Nebraska Section of The American College of Obstetricians and Gynecologists
Scarpello, Sam M. - Omaha	Omaha Building & Construction Trades Council
Skochdopole, R. A. - Omaha	First Bank GTECH Corporation
Suttle, Deborah S. - Omaha	League of Women Voters of Nebraska

GENERAL FILE

LEGISLATIVE BILL 216. Considered.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 11 nays, and 27 not voting.

Mrs. Hillman and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 216.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 292. Placed on General File.

LEGISLATIVE RESOLUTION 7. Reported to the Legislature for further consideration.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

G. Roderick Anderson - State Personnel Board
Christine Harris - State Personnel Board

VOTE: Aye: Senators Robinson, Bernard-Stevens, Cudaback, Schmitt, Stuhr, and Vrtiska. Pass: Senator Witek. Absent: Senator Janssen.

(Signed) C. N. "Bud" Robinson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 1995, at 9:45 a.m., were the following bills: 1, 2, 4, 8, 10, 11, 12, 14, 22, 152, 202, and 239.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 10, 1995, at 9:45 a.m., was the following resolution: LR 1CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 20A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 20, Ninety-fourth Legislature, First Session, 1995.

GENERAL FILE

LEGISLATIVE BILL 222. Title read. Considered.

Standing Committee amendment, AM0119, found in the Journal on page 548, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

AM0350

(Amendments to Standing Committee amendments, AM0119)

1. Insert the following new section:

"Section 1. Section 76-717, Reissue Revised Statutes of Nebraska, is amended to read:

76-717. Within thirty days after the filing of such notice of appeal, the county judge shall prepare and transmit to the clerk of the district court a duly certified transcript of all proceedings had concerning the parcel or parcels of land as to which the particular condemnee takes the appeal upon payment of the fees provided by law for preparation thereof. When notice of appeal is filed by both the condemner and the condemnee, such transcript shall be prepared only in response to the first notice of appeal. The ~~; the~~ transcript prepared in response to the second notice of appeal shall contain only a copy of such notice and the proceedings shall be docketed in the district court as a single cause of action.

The filing of the notice of appeal shall confer jurisdiction on the district court. ~~Regardless of which party appeals, the condemnee~~ The first party to perfect an appeal shall file a petition on appeal in the district court within fifty days ~~of~~ after the filing of the notice of appeal. If no petition is filed, the court shall direct the ~~condemnee~~ first party to perfect an appeal to file a petition and impose such sanctions as are reasonable. ~~The proceeding shall in all cases be docketed in the district court, showing the condemnee as the plaintiff and the condemner as the defendant.~~ The appeal shall be tried de novo in the district court. Such appeal shall not delay the acquisition of the property and placing of same to a public use if the condemner shall first deposit with the county judge the amount assessed by the appraisers.".

2. On page 1, line 8, before the last period insert "; in line 26 strike 'section' and insert 'sections 76-714 and'; and in line 27 strike 'is' and insert 'are' ".

3. Renumber the remaining sections accordingly.

SPEAKER WITHEM PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Lynch and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. KRISTENSEN PRESIDING

Advanced to E & R for review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 369. Title read. Considered.

Standing Committee amendment, AM0138, found in the Journal on page 549, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 369A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Standing Committee amendment, AM0149, found in the Journal on page 549, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Ms. Schimek renewed her pending amendment, FA34, found in the Journal on page 700.

Messrs. Bromm, Schmitt, Wickersham, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 182A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 182, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

LEGISLATIVE BILL 425A. Introduced by Engel, 17; Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 425, Ninety-fourth Legislature, First Session, 1995.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 49. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE INVESTMENT COUNCIL

February 8, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

On June 16, 1994 The Nebraska Investment Council appointed Rex W. Holsapple as State Investment Officer, pursuant to Revised Statutes of Nebraska Section 72-1240. Following is an excerpt from the minutes of the June 16, 1994 meeting of the Nebraska Investment Council.

> "Mr. Anderson moved that Mr. Rex Holsapple be appointed the new State Investment Officer, this day, June 16, 1994. Mrs. Michel seconded the motion. Mr. Jorgensen called for a roll call vote.

Voting Aye:	Mr. Anderson
	Mr. Bisson
	Mr. Jorgensen
	Mrs. Michel

Absent: Mrs. Petersen

The motion carried."

Please arrange for Legislative approval of Mr. Holsapple as State Investment Officer.

Sincerely,
(Signed) Dennis Jorgensen
Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following resolutions and bill were correctly reengrossed: LR 4CA, LR 21CA, and LB 48.

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendment to LB 411:
AM7035

1. On page 1, lines 1 and 2, strike "sections 25-323 and 25-331" and insert "section 25-323"; strike beginning with "necessary" in line 3 through "actions" in line 4 and insert "proper parties"; and in line 4 strike "sections" and insert "section".

LEGISLATIVE BILL 420. Placed on Select File.
LEGISLATIVE BILL 297. Placed on Select File.
LEGISLATIVE BILL 334. Placed on Select File.
LEGISLATIVE BILL 94. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 788. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 222. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

AM0196

1. On page 4, line 4, strike "or by county employees"; strike beginning with the first "or" in line 6 through "department" in line 7; strike line 9 and insert ", including officers"; and in line 12 strike "in" and insert "an aggregate of" and strike the second comma.

VISITORS

Visitors to the Chamber were Senator Jones' son, daughter-in-law, and granddaughters, Gordon, Jan, Melanie, and Erin Jones, from Ashby; 18 Girl Scouts and leader representing the Panhandle; Senator Pedersen's daughter and granddaughter, Michaela and Caeli Pedersen, and Michelle and Kwalisha Gallardo from Elkhorn; Senator Schmitt's sister and brother-in-law, Wilma and Raulo Damian, from Lincoln; and Tim, Judy, Heather, Erin, and Thomas Lutz from Omaha.

The Doctor of the Day was Clarence Davis Jr. from Osceola.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Monday, February 13, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SIXTH DAY - FEBRUARY 13, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Don White, Cornerstone Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bromm, Warner, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 48. Read. Considered.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Brashear offered the following amendment:
FA35

Strike the final "whereas" clause thereof and to insert at Section 1, the third line thereof, after the words "to continue" the following: ", if fiscally reasonable and responsible so to do," and strike the word "critical" thereafter.

Mr. Brashear moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Hall requested a roll call vote on the Brashear amendment.

Mr. Brashear requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Brashear
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hudkins
Jensen
Kristensen
Maurstad
Pedersen
Pirsch
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Voting in the negative, 15:

Bernard-Stevens
Beutler
Bohlke
Chambers
Day
Engel
Hall
Hillman
Janssen
Landis
Lindsay
Matzke
Preister
Schimek
Wesely

Present and not voting, 7:

Hartnett
Lynch
McKenzie
Robak
Schellpeper
Wickersham
Withem

Excused and not voting, 6:

Abboud
Avery
Bromm
Jones
Warner
Will

The Brashear amendment lost with 21 ayes, 15 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Hillman and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 7 nays, and 20 not voting.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Landis requested a record vote on the adoption of LR 48.

Voting in the affirmative, 29:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Cudaback
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Preister
Robak
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 7:

Brashear
Jensen
Kristensen
Pirsch
Robinson
Schrock
Witek

Present and not voting, 7:

Bromm
Coordsen
Dierks
Elmer
Pedersen
Schellpeper
Warner

Excused and not voting, 6:

Abboud
Avery
Day
Hillman
Lynch
Will

LR 48 was adopted with 29 ayes, 7 nays, 7 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 240. Placed on Select File as amended.
E & R amendment to LB 240:
AM7039

1. Insert the following new section:

"Sec. 2. Section 48-630, Reissue Revised Statutes of Nebraska, is amended to read:

48-630. A determination upon a claim filed pursuant to section 48-629 shall be made promptly by a representative designated by the commissioner, hereinafter referred to as a deputy, and shall include a statement as to whether and in what amount claimant is entitled to benefits for the week with respect to which the determination is made and, in the event of a denial, shall state the reasons therefor. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages required under subdivision (5) of section 48-627, ~~(e);~~ and, if so, the first day of the benefit year, his or her weekly benefit amount, and the maximum total amount of benefits payable to him or her with respect to such benefit year. Any benefits to which a claimant has been found eligible shall not be withheld because of the filing of an appeal under section 48-634 and such benefits shall be paid until the appeal tribunal has rendered its decision modifying or reversing the determination allowing such benefits if the claimant is otherwise eligible. Any benefits received by any person to which, under a redetermination or decision pursuant to sections 48-630 to 48-640, he or she has been found not entitled shall be treated as excessive payments in accordance with the provisions of section 48-665. Whenever any claim involves the application of the provisions of section 48-628 (d), the deputy shall promptly transmit his or her full findings of fact, with respect to that subdivision, to the commissioner, who, on the basis of the evidence submitted and such additional evidence as he or she may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issue involved under the subdivision, which shall be deemed to be the decision of the deputy. All claims arising out of the same alleged labor dispute may be considered at the same time. The parties shall be promptly notified of the determination, together with the reasons therefor, and such determination shall be deemed to be the final decision on the claim, unless an appeal is filed with the appeal tribunal in the manner prescribed in section 48-634.".

2. On page 1, lines 1 and 2; and page 9, line 6, strike "section 48-627" and insert "sections 48-627 and 48-630".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 147. Placed on Select File.

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendment to LB 259:
AM7041

1. In the Standing Committee amendments, AM0054, on page 1, strike lines 10 through 15 and insert "Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 to 1544, the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 to 667d, the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 to 668d, the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 to 718j, or rules and regulations adopted and promulgated pursuant to such article and acts.'.".

LEGISLATIVE BILL 296. Placed on Select File as amended.
E & R amendment to LB 296:
AM7040

1. On page 1, strike beginning with "the" in line 1

through line 4 and insert "recreational trails; to provide for the revival of sections 81-815.55 and 81-815.56, Reissue Revised Statutes of Nebraska; and to declare an emergency.".

LEGISLATIVE BILL 77. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 194. Placed on General File.
LEGISLATIVE BILL 756. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 130. Placed on General File.
LEGISLATIVE BILL 505. Placed on General File.
LEGISLATIVE BILL 562. Placed on General File.
LEGISLATIVE BILL 700. Placed on General File.
LEGISLATIVE BILL 701. Placed on General File.

(Signed) William R. Wickersham, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

AM0368

(Amendments to Final Reading copy)

1. On page 2, line 24, after "animal" insert ", except coyote,".

2. On page 4, strike beginning with the first "the" in line 6 through "trap" in line 7 and insert "the trap is permanently marked in accordance with rules and regulations adopted and promulgated by the commission".

Mr. Warner asked unanimous consent to print the following amendment to LB 136 in the Journal. No objections. So ordered.

AM0381

1. Insert the following new section:

"Section 1. Section 21-330, Revised Statutes Supplement, 1994, is amended to read:

21-330. Any corporation which has paid tax in excess of the proper amount of the occupation tax imposed in sections 21-301 to 21-325 for any year shall be entitled to a refund of such excess payment. Claims for refund shall be filed with the Secretary of State or may be submitted by the Secretary of State based on his or her own investigation. If approved or submitted by the Secretary of State, the claim shall be forwarded to the State Treasurer for payment from the General Fund. ~~(1) For 1993, in addition to the occupation tax imposed in sections 21-301 to 21-325, there is hereby levied on all corporations subject to the occupation tax and all corporations exempt from the occupation tax pursuant to section 21-321 an additional fee of one hundred fifty dollars per corporation to be levied and collected in the same manner as the occupation tax.~~

~~(2) The Secretary of State may credit the fee paid by a corporation pursuant to this section for 1992 against the fee imposed by this section for 1993. Any corporation not subject to the fee imposed by this section for 1993 and which paid the fee or assessment imposed for 1992 shall be issued a refund of the fee or assessment paid for 1992.~~".

2. On page 5, line 22, strike "section" and insert "sections 21-330 and"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 53. Introduced by Crosby, 29; Schimek, 27; McKenzie, 34; Bohlke, 33; Pirsch, 10; Brown, 6; Day, 19; Hillman, 48; Hudkins, 21; Stuhr, 24; Witek, 31; Robak, 22.

WHEREAS, the Nineteenth Amendment to the United States Constitution which grants women the right to vote was ratified on August 26, 1920; and

WHEREAS, the League of Women Voters was established on February 20, 1920, and the Nebraska chapter of this organization was formed shortly thereafter on June 15, 1920; and

WHEREAS, the League of Women Voters is a nonpartisan organization which strives to empower the public through the dissemination of information and concerted educational efforts concerning government and public policy issues; and

WHEREAS, the League of Women Voters is celebrating seventy-five years as a grassroots organization on both the national and state level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the hard work and dedication of this organization in promoting the democratic process over the past seventy-five years.

2. That a copy of this resolution be sent to the League of Women Voters of Nebraska.

Laid over.

ANNOUNCEMENT

Speaker Withem designates LBs 828, 829, and 830 as priority bills.

GENERAL FILE

LEGISLATIVE BILL 121. The Schimek pending amendment, FA34, found in the Journal on page 700 and considered on page 711, was renewed.

Mrs. Robak, Messrs. Coordsen, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Schimek amendment lost with 13 ayes, 21 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM0378
1. On page 2, strike beginning with "facilities" in line 16 through the comma in line 18.

MRS. CROSBY PRESIDING

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. McKenzie, Ms. Day, and Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud
Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Crosby
Dierks
Engel
Jensen
Jones
Kristensen
Pirsch
Preister
Robinson
Schmitt
Schrock
Wesely
Wickersham

Witek

Voting in the negative, 13:

Avery
Bohlke
Bromm
Elmer
Hall
Hartnett
Hudkins
Landis
Matzke
Pedersen
Schimek
Wehrbein
Withem

Present and not voting, 7:

Hillman
Janssen
Lindsay
Maurstad
Schellpeper
Stuhr
Vrtiska

Absent and not voting, 2:

Cudaback
Warner

Excused and not voting, 7:

Coordsen
Day
Fisher
Lynch
McKenzie
Robak
Will

The Beutler amendment lost with 20 ayes, 13 nays, 7 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Dierks and Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM0379

1. On page 2, line 11, after "state" insert ", except that during non-business hours smoking is permitted in self-contained rooms or suites so long as no other person is occupying such rooms or suites at the time".

Mr. Elmer and Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the Nebraska Investment Council appointment.

Holsapple, Rex W. - State Investment Officer -- Nebraska Retirement Systems

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 187. Placed on General File.
LEGISLATIVE BILL 241. Placed on General File.
LEGISLATIVE BILL 601. Placed on General File.

LEGISLATIVE BILL 372. Placed on General File as amended.
Standing Committee amendment to LB 372:
AM0383

1. On page 2, line 11, strike "all" and insert "elected"; and strike beginning with "initial" in line 12 through "of" in line 13 and insert "adoption or modification of budgets for".

LEGISLATIVE BILL 433. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 381. Placed on General File.

LEGISLATIVE RESOLUTION 23CA. Indefinitely postponed.

LEGISLATIVE BILL 27. Indefinitely postponed.
LEGISLATIVE BILL 69. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LEGISLATIVE BILL 273. Placed on General File.
LEGISLATIVE BILL 423. Placed on General File.
LEGISLATIVE BILL 867. Placed on General File.

LEGISLATIVE BILL 336. Placed on General File as amended.
Standing Committee amendment to LB 336:
AM0343

1. On page 2, line 23, strike beginning with "agency" through "(3)" and show the old matter as stricken; and in line 24 strike "(4)", show as stricken, and insert "(3)".

LEGISLATIVE BILL 475. Placed on General File as amended.

Standing Committee amendment to LB 475:
AM0337

1. On page 2, lines 5 and 6, strike "the quality of their life" and insert "medical treatment"; in line 11 strike "quality of life" and insert "medical treatment"; in line 18 after the period insert "If the ruling of a judge of the district court on a matter pertaining to a life-threatening medical emergency occurs on a weekend, holiday, or other day when the court is not in session, a party to the action may, immediately after the hearing, prepare a notice of appeal and file it directly with a judge of the Court of Appeals. A copy of the notice of appeal shall be filed with the clerk of the district court upon the first day it is reopened for business."; in line 21 strike "The" and insert "The hearing shall be held by one judge of the Court of Appeals at chambers upon such notice and arguments as the judge of the Court of Appeals directs. The judge of the"; and in line 28 strike "on".

LEGISLATIVE BILL 866. Placed on General File as amended.
Standing Committee amendment to LB 866:
AM0342

1. On page 2, line 2; and page 3, lines 6 and 7 and 11, strike "Office of Juvenile Services" and insert "Nebraska Commission on Law Enforcement and Criminal Justice".

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 262. Indefinitely postponed.
LEGISLATIVE BILL 439. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 83A. Placed on Select File.
LEGISLATIVE BILL 144A. Placed on Select File.

LEGISLATIVE BILL 222. Placed on Select File as amended.
E & R amendment to LB 222:
AM7042

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 76-717, Reissue Revised Statutes of Nebraska, is amended to read:

76-717. Within thirty days after the filing of such notice of appeal, the county judge shall prepare and transmit to the clerk of the district court a duly certified transcript of all proceedings had concerning the parcel or parcels of land as to which the particular condemnee takes the appeal upon payment of the fees provided by law for preparation thereof. When notice of appeal is filed by both the condemner and the condemnee, such transcript shall be prepared only in response to the first notice of appeal. The ~~; the~~ transcript prepared in response to the second notice of appeal shall contain only a copy of such notice and the proceedings shall be docketed in the district court as a single cause of action.

The filing of the notice of appeal shall confer jurisdiction on the district court. ~~Regardless of which party appeals, the condemnee~~ The first party to perfect an appeal shall file a petition on appeal in the district court within fifty days ~~of~~ after the filing of the notice of appeal. If no petition is filed, the court shall direct the ~~condemnee~~ first party to perfect an appeal to file a petition and impose such sanctions as are reasonable. ~~The proceeding shall in all cases be docketed in the district court, showing the condemnee as the plaintiff and the condemner as the defendant.~~ The appeal shall be tried de novo in the district court. Such appeal shall not delay the acquisition of the property and placing of same to a public use if the condemner shall first deposit with the county judge the amount assessed by the appraisers.

Sec. 2. Section 76-720, Reissue Revised Statutes of Nebraska, is amended to read:

76-720. If an appeal is taken from the award of the appraisers by the condemnee and the amount of the final judgment is greater by fifteen percent than the amount of the award, or if appeal is taken by the condemner and the amount of the final judgment is not less than eighty-five percent of the award, or if appeal is taken by both parties and the final judgment is greater in any amount than the award, the court may in its discretion award to the condemnee a reasonable sum for the fees of his or her attorney and for fees necessarily incurred for not more than two expert witnesses. On any appeal by the condemner, the condemner shall pay all court costs on appeal. If appeal is taken by the condemnee only and the final judgment is not equal to or greater than the award of the appraisers, the court may in its discretion award to the condemner the court costs incurred by the condemner, but not attorney or expert witness fees. ~~, he or she shall be charged with such costs if the final judgment is not greater than the award of the appraisers.~~

If an appeal is taken to the district court and the district court finds that the condemner did not negotiate in good faith with the property owner or there was no public purpose for taking the property involved, the court shall award to the condemnee a reasonable sum for the fees of his or her attorney and the condemner shall pay all court costs on appeal.

The changes made to this section by this legislative bill apply to any action pending on the effective date of this section or filed on or after such date.

Sec. 3. Original sections 76-717 and 76-720, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 76-717 and 76-720, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals of awards; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 369. Placed on Select File as amended.
E & R amendment to LB 369:
AM7043

1. On page 4, line 3, after "Counties" insert an underscored comma.

LEGISLATIVE BILL 369A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 40. Indefinitely postponed.
LEGISLATIVE BILL 128. Indefinitely postponed.
LEGISLATIVE BILL 165. Indefinitely postponed.
LEGISLATIVE BILL 232. Indefinitely postponed.
LEGISLATIVE BILL 235. Indefinitely postponed.
LEGISLATIVE BILL 313. Indefinitely postponed.
LEGISLATIVE BILL 354. Indefinitely postponed.
LEGISLATIVE BILL 404. Indefinitely postponed.
LEGISLATIVE BILL 421. Indefinitely postponed.
LEGISLATIVE BILL 472. Indefinitely postponed.
LEGISLATIVE BILL 491. Indefinitely postponed.
LEGISLATIVE BILL 695. Indefinitely postponed.
LEGISLATIVE BILL 697. Indefinitely postponed.
LEGISLATIVE BILL 787. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 174A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 174, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 635A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 635, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 333A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Ninety-fourth Legislature, First Session, 1995.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dr. Arthur Weaver - State Board of Health
Dr. Richard Tempero - State Board of Health
Marcia Freer - Rural Health Advisory Commission
Dr. Michael Sitorius - Rural Health Advisory Commission

VOTE: Aye: Senators Day, Dierks, Jensen, Matzke, Pirsch, and Wesely. Nay: None. Absent: Senator Schimek.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM0354

1. On page 2, line 2, strike "1997" and insert "1996"; and in line 4, strike "81-816 to 81-823" and insert "81-817, 81-818, 81-820, 81-821, 81-822, and 81-823".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 645. No objections. So ordered.

VISITORS

Visitors to the Chamber were Cheri White from Omaha; Senator Matzke's son, daughter-in-law, and grandchildren, Jay, Ann, Alex, Jarred, and Sloan, from Omaha; Laureen Riedesel from Beatrice; 85 fourth grade students and teacher from Hamlow Elementary School, Waverly; Pat Bowe from Blair; and Patty Headley from Gretna.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Sam Barry, Florence Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen who was excused; and Messrs. Abboud, Bernard-Stevens, Brashear, Bromm, Chambers, Cudaback, Hall, Hartnett, Lindsay, Pedersen, Robinson, Warner, Wehrbein, Wickersham, Will, Withem, Mmes. Bohlke, McKenzie, Pirsch, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 172. Placed on General File.

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendment to LB 373:
AM0301

1. Insert the following new sections:

"Sec. 3. Section 71-5665, Revised Statutes Supplement, 1994, is amended to read:

71-5665. The commission shall periodically designate health profession shortage areas within the state for the following professions: Medicine and surgery, physician assistants' practice, nurse practitioners' practice, clinical psychology, and master's level mental health practice. The commission shall also periodically designate separate health profession shortage areas for each of the following professions: Pharmacy, dentistry, physical therapy, and occupational therapy. The commission shall determine two levels of shortage so that stronger incentives may be tied to practice in areas of most critical need. In making such designations the commission shall consider, after consultation with other appropriate agencies concerned with health services and with appropriate professional organizations, among other factors:

(1) The latest reliable statistical data available regarding the number of health professionals practicing in an area and the population to be served by such practitioners;

(2) Inaccessibility of health care services to residents of an area;

(3) Particular local health problems;

(4) Age or incapacity of local practitioners rendering services; and

(5) Demographic trends in an area both past and future.

Sec. 5. This act becomes operative on January 1, 1996.".

2. On page 5, line 5, after "71-5663," insert "71-5665,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 449. Placed on General File as amended.
Standing Committee amendment to LB 449:
AM0330

1. On page 2, strike lines 6 through 14 and insert the following new subsections:

"(2) A licensed dental hygienist may be approved by the Department of Health, upon the recommendation of the Board of Examiners in Dentistry, to administer local anesthesia under the indirect supervision of a licensed dentist. The department may, upon the recommendation of the board, prescribe by rule and regulation (a) the necessary education and preparation, which shall include, but not be limited to, instruction in the areas of head and neck anatomy, osteology, physiology, pharmacology, medical emergencies, and clinical techniques, (b) the necessary clinical experience, and (c) the necessary examination for purposes of determining the competence of licensed dental hygienists to administer local anesthesia.

Upon the recommendation of the Board of Examiners in Dentistry, the department may approve successful completion after July 1, 1994, of a course of instruction to determine competence to administer local anesthesia. The course of instruction must be at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of

Education and approved by the Department of Health. The course of instruction must be taught by a faculty member or members of the institution presenting the course. The Department of Health may approve for purposes of this subsection a course of instruction if such course includes:

(a) At least twelve clock hours of classroom lecture, including instruction in (i) medical history evaluation procedures, (ii) anatomy of the head, neck, and oral cavity as it relates to administering local anesthetic agents, (iii) pharmacology of local anesthetic agents, vasoconstrictor, and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight, (iv) systemic conditions which influence selection and administration of anesthetic agents, (v) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs, (vi) management of reactions to or complications associated with the administration of local anesthetic agents, (vii) selection and preparation of the armamentaria for administering various local anesthetic agents, and (viii) methods of administering local anesthetic agents;

(b) At least twelve clock hours of clinical instruction during which time at least three injections of each of the anterior, middle and posterior superior alveolar, naso and greater palatine, infraorbital, inferior alveolar, lingual, mental, long buccal, and infiltration injections are administered; and

(c) Procedures, which shall include an examination, for purposes of determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents.

(3) No dental hygienist licensed in this state shall be approved to administer local anesthesia unless such person submits to the Board of Examiners in Dentistry a fee of not less than twenty dollars nor more than one hundred dollars as determined by the Department of Health upon the recommendation of the board.".

LEGISLATIVE BILL 752. Placed on General File as amended.
Standing Committee amendment to LB 752:
AM0369

1. On page 3, line 3, after the semicolon insert "and"; and strike beginning with the semicolon in line 7 through "resources" in line 11.

2. On page 6, line 12, strike "multidisciplinary" and insert "interdisciplinary"; and in line 14 after "services" insert "in the regional center".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 17CA. Placed on General File as amended.

Standing Committee amendment to LR 17CA:
AM0265

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 '~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing~~ for seventy-five and sixty days on an alternating basis. Seventy-five-day sessions shall commence at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year, and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. The terms of the members of the Legislature shall commence on the first day of the regular seventy-five-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ~~ninety~~ seventy-five or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular seventy-five-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time~~,~~ unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to change the length of the ninety-day legislative session to seventy-five days, the date on which the Legislature will convene the regular seventy-five-day sessions, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.

For

Against'.".

LEGISLATIVE RESOLUTION 38CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 53. Read. Considered.

LR 53 was adopted with 21 ayes, 0 nays, and 28 not voting.

GENERAL FILE

LEGISLATIVE BILL 121. Considered.

Mr. Beutler withdrew his amendment, AM0379, found in the Journal on page 722.

Mr. Chambers offered the following amendment:
FA36

Page 2, lines 11-12, strike: "Nebraska veterans homes established pursuant to section 80-301";

Strike "private" in line 12 and insert "Private".

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Bernard-Stevens
Beutler
Chambers
Cudaback
Dierks
Hartnett
Matzke
Wesely

Voting in the negative, 16:

Avery
Brashear
Engel
Fisher
Hudkins
Janssen
Landis
Lynch
Preister
Robinson
Schellpeper
Schimek
Stuhr
Vrtiska
Wehrbein

Witek

Present and not voting, 11:

Brown
Coordsen
Crosby
Day
Elmer
Hillman
Jensen
Jones
Maurstad
Schmitt
Schrock

Excused and not voting, 14:

Abboud
Bohlke
Bromm
Hall
Kristensen
Lindsay
McKenzie
Pedersen
Pirsch
Robak
Warner
Wickersham
Will
Withem

The Chambers amendment lost with 8 ayes, 16 nays, 11 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke offered the following amendment:
AM0387

1. On page 2, line 6, strike beginning with "buildings" through "occupied" and insert "vehicles owned or leased"; strike beginning with the second "in" in line 8 through "and" in line 9; and in line 9 strike "such".

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Bohlke amendment lost with 14 ayes, 15 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 48.

GENERAL FILE

LEGISLATIVE BILL 121. Mr. Bernard-Stevens offered the following amendment:
FA37

That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a minor~~ Any person under ~~the age of~~ eighteen years of age, ~~shall smoke~~ who purchases, possesses, or smokes cigarettes or cigars~~, or use~~ or who purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. Any minor ~~so~~ charged with the violation of this section may be free from prosecution when he or she furnishes ~~shall have furnished~~ evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes, or furnishes in any way~~,~~ any tobacco in any form whatever~~,~~ or any cigarettes~~,~~ or cigarette paper~~,~~ to any minor under eighteen years of age~~,~~ shall be guilty of a Class III misdemeanor for each offense.

That original sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Messrs. Avery, Landis, Coordsen, Wesely, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Beutler
Brown
Day
Hartnett
Pirsch
Robinson
Schellpeper
Wesely
Withem

Voting in the negative, 24:

Brashear
Bromm
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Jensen
Landis
Matzke
Maurstad
Pedersen
Preister
Schmitt
Schrock
Stuhr
Vrtiska
Witek

Present and not voting, 3:

Bohlke
Lindsay
Schimek

Excused and not voting, 12:

Abboud
Avery
Coordsen
Jones
Kristensen

Lynch
McKenzie
Robak
Warner
Wehrbein
Wickersham
Will

The Bernard-Stevens amendment lost with 10 ayes, 24 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Preister moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

MR. HALL PRESIDING

Mr. Preister requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Avery
Beutler
Brown
Chambers
Crosby
Dierks
Fisher
Hillman
Hudkins
Jensen
Matzke
Maurstad
Pirsch
Preister
Robinson
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Withem

Voting in the negative, 14:

Bernard-Stevens
Brashear
Bromm
Cudaback
Elmer
Engel
Hall
Janssen
Landis
Schellpeper
Schrock
Warner
Wickersham
Witek

Present and not voting, 6:

Bohlke
Day
Hartnett
Lindsay
Pedersen
Schimek

Excused and not voting, 8:

Abboud
Coordsen
Jones
Kristensen
Lynch
McKenzie
Robak
Will

Failed to advance to E & R for review with 21 ayes, 14 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 532	Tuesday, February 21, 1995	1:30 p.m.
LB 788	Tuesday, February 21, 1995	1:30 p.m.
LB 837	Tuesday, February 21, 1995	1:30 p.m.
LB 846	Tuesday, February 21, 1995	1:30 p.m.

Governor Appointment Tuesday, February 21, 1995 1:30 p.m.
Dale Tinstman - Research and Development Authority

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 593. Placed on General File as amended.
Standing Committee amendment to LB 593:
AM0380

1. Insert the following new section:

"Sec. 6. Section 18-1740, Revised Statutes Supplement, 1994, is amended to read:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. ~~After September 9, 1993, all~~ All permits authorized under such sections for handicapped and disabled parking shall be issued for a period of three years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of sections 18-1738 to 18-1738.01. After September 9, 1995, all permanently issued permits authorized by sections 18-1736 to 18-1741.07 shall be issued for a period ending on September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the issuing city or village clerk or designated county official within thirty days of the date of its expiration shall be deemed to have been filed prior to the date of its expiration. All permits authorized under such sections for temporarily handicapped or disabled parking shall be issued for a period ending ~~ninety days~~ not more than six months from the date of issuance but may be renewed for ~~up to three additional ninety-day periods~~ a one-time period not to exceed six months. For ~~each additional ninety-day~~ the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each permit, two dollars and fifty cents of which shall be retained by the clerk who issues the permit and fifty cents of which shall be forwarded on a quarterly basis to the Department of Motor Vehicles.".

2. On page 2, line 19, after the period insert "When there is no rearview mirror, the permit shall be displayed on the dashboard.".

3. On page 4, line 14, after "plate" insert "or permit".

4. On page 6, line 5, after the period insert "In the case of a temporarily handicapped or disabled person, the certifying physician shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less."; and in line 9 after the period insert "The application form shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used by the party to whom issued or for the motor vehicle for which it is issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space. It shall indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months and possible fines. A copy of the completed application form shall be given to each applicant.".

5. On page 7, line 20, after the period insert "The application form shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used by the party to whom issued or for the motor vehicle for which it is issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space. It shall indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months and possible fines. A copy of the completed application form shall be given to each applicant."; and in line 23 strike "18-1738.01" and insert "18-1738".

6. On page 8, strike beginning with "The" in line 6 through line 24, show the old matter as stricken, and insert "The permit to be issued pursuant to section 18-1738 or 18-1738.01 shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. part 1235."; and in line 25 strike "The" and insert "In addition to the requirements of subsection (1) of this section, the".

7. On page 9, strike from the comma in line 1 through "permit" in line 2 and insert an underscored period; strike "shall" in line 4 through the period in line 5 and show as stricken; in line 6 strike the new matter and reinstate the stricken matter; strike the new matter in lines 7 through 8; in line 8 strike "the reverse side of" and show as stricken; and in lines 11 through 19 strike the new matter.

8. On page 12, line 3, after the second comma insert "18-1740,".

9. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 16. Reported to the Legislature for further consideration with the following amendment:
AM0175

1. Strike the original provisions of the resolution and insert the following:

"WHEREAS, the United States' Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all non-delegated and non-prohibited powers to the States or to the people; and

WHEREAS, over many years, the Federal government has dramatically expanded the scope of its power and pre-empted state government authority and increasingly has treated States as administrative subdivisions or as special interest groups, rather than co-equal partners; and

WHEREAS, the Federal government has generated massive deficits and continues to mandate programs that State and Local governments must administer; and

WHEREAS, the number of federal unfunded mandates has grown exponentially during the last thirty years and has profoundly distorted State budgets, handcuffing the ability of State leaders to provide appropriate and needed services to their constituencies; and

WHEREAS, since 1990, the Federal government has enacted at least forty-two major statutes imposing burdensome and expensive regulations and requirements on States and Localities, which is nearly equal to all those enacted in the prior two decades combined; and

WHEREAS, persistent, State-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal government; and

WHEREAS, the U.S. Supreme Court has repeatedly determined that the States must look to the Congress and related political remedies for protection against Federal encroachments on the reserved powers of the States; and

WHEREAS, the Council of State Governments, through its Intergovernmental Affairs Committee, has been the champion of State sovereignty for many years; and

WHEREAS, in recent years, States have been the principal agents of government reform, including updating their constitutions, modernizing and restructuring governmental institutions, and, along with Local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

WHEREAS, the Council of State Governments recognizes a sense of urgency in calling for The Conference of the States, whereby each State government would send a delegation to develop a comprehensive Action Plan to restore balance in the Federal system; and

WHEREAS, the aforementioned experience of The Council of State Governments, in conjunction with its regional structure and groupings of elected and appointed officials from all three branches of State government, reflects an entity ideally suited to promote and facilitate such a conference; and

WHEREAS, The Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for State governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the twenty-first century.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

(1) A delegation not to exceed seven voting persons from the State of Nebraska, shall be appointed to represent the State of Nebraska at a Conference of the States for the purposes described in Section (2) to be convened as provided in Section (3). The delegation shall not exceed seven voting persons as follows: (a) The governor or, if the governor does not wish to be a member of the delegation then a constitutional officer selected by the governor; and (b) a number of legislators not to exceed six of which at least three shall be from each major political party selected by the presiding officer of the Legislature. The presiding officer may designate two alternate legislator delegates, one from each party, who have voting privileges in the absence of the primary delegates.

(2) The delegates of The Conference of the States will propose, debate, and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire Legislature.

(3) The Conference of the States shall be convened under the nonprofit status, section 501(c)(3) of the Internal Revenue Code, of The Council of State Governments in cooperation with the

National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy days after at least twenty-six legislatures adopt a resolution of participation.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

(a) The governance structure and procedural rules for the Conference;

(b) The process for receiving rebalancing proposals; and

(c) The financial and administrative functions of the Conference, including The Council of State Governments as fiscal agent.

(5) The bylaws shall:

(a) Conform to the provisions of this resolution;

(b) Specify that each state delegation shall have one vote at the Conference; and

(c) Specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) Upon the official convening of The Conference of the States, the State delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.".

LEGISLATIVE BILL 728. Indefinitely postponed.

(Signed) Timothy J. Hall, Chairperson

Health and Human Services

LEGISLATIVE BILL 563. Placed on General File as amended.
Standing Committee amendment to LB 563:
AM0341

1. On page 15, strike lines 4 to 7; in line 8 strike "(14)" and insert "(13)"; in line 11 strike "(15)" and insert "(14)"; in line 13 strike "(16)" and insert "(15)"; strike lines 17 to 19; in line 20 strike "(18)" and insert "(16)"; in line 22 strike "(19)" and insert "(17)"; in line 25 strike "(20)" and insert "(18)"; and in line 28 strike "(21)" and insert "(19)".

2. On page 16, line 3, strike "(22)" and insert "(20)"; in line 6 strike "(23)" and insert "(21)"; and in line 12 strike "(24)" and insert "(22)".

3. On page 17, reinstate the stricken matter beginning with "under" in line 4 through "under" in line 6; in line 6 after the reinstated "under" insert "the act;"; and in lines 10 and 11 strike the new matter.

4. On page 25, line 1, after "71-1,132.05" insert ". Opinions defining acts permitted in the practice of nursing shall be subject to appeal under the declaratory order procedure under section 84-912.01 or may be reviewed under the declaratory judgment procedure for a rule under section 84-911."; and strike beginning with "Issue" in line 23 through "(7)" in line 26.

5. On page 26, line 6, strike "(8)" and insert "(7)"; in line 8 strike "(9)" and insert "(8)"; strike the new matter in lines 12 through 14; in line 15 strike "(11)" and insert "(9)"; in line 16 strike "(12)" and insert "(10)"; in line 18 strike "(13)" and insert "(11)"; in line 22 strike "(14)" and insert "(12)" and in line 24 strike "(15)" and insert "(13)".

6. On page 28, strike lines 19 through 26.

7. On page 29, lines 8 and 22 and 23, strike the new matter and reinstate the stricken matter.

8. On page 31, lines 12 and 13 and lines 20 and 21, strike the new matter and reinstate the stricken matter; in lines 22 and 23 strike the new matter and insert "October 31 following the mailing of such notice"; in line 25 strike the new matter and reinstate the stricken matter and after the reinstated "period" insert "beginning November 1 following the mailing of such notice. The".

9. On page 32, lines 12, 17, and 28; page 33, lines 1 and 7 through 28; and page 34, lines 1 through 3, strike the new matter and reinstate the stricken matter.

10. On page 34, line 4, strike "(7)"; and in line 9 strike "(8)" and insert "(9)".

11. On page 35, lines 2 through 8, strike the new matter.

12. On page 37, lines 24 and 25, strike the new matter.

13. On page 40, lines 11 through 18; page 41, lines 26 through 28; and page 42, line 1, strike the new matter.

14. On page 42, line 3, strike the new matter and reinstate the stricken matter; in line 8 strike "(7)" and insert "(6)"; in line 11 strike "(8)" and insert "(7)"; and in line 14 strike "(9)" and insert "(8)".

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 829. Placed on General File as amended. (Standing Committee amendment, AM0364, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 830. Placed on General File as amended. (Standing Committee amendment, AM0363, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jerome Warner, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95009

DATE: February 13, 1995

SUBJECT: Civil Liability for Equine Activities Under LB 348

REQUESTED BY: Senator Dan Fisher
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Hobert B. Rupe, Assistant Attorney General

This is in response to your request, dated January 27, 1995, for the opinion of this office regarding LB 348. Specifically, you have inquired whether the provisions of said bill would excuse horse owners from all liability for their animals.

Section 3 of LB 348 reads as follows:

> Except as provided in section 4 of this act, (1) an equine activity sponsor, an equine professional, or any other person, which includes a corporation, limited liability company, or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and (2) no participant nor participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

The above-quoted provision does purportedly narrow the scope of liability in regard to the "inherent risk of equine activity." Said phrase is defined in Section 2(6) of LB 348 which states:

> (6) Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities including, but not limited to:
>
> (a) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them;
>
> (b) The unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;
>
> (c) Certain hazards such as surface and subsurface conditions;
>
> (d) Collisions with other equines or objects; and
>
> (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the equine or not acting within his or her ability; . . .

Thus, it can be deduced from the above-quoted provisions that LB 348 purportedly grants a broad exemption of liability to equine owners, equine activity sponsors, and equine professionals. However, that exemption is not complete as it is modified by Section 4 of LB 348 which states in pertinent part:

(1) This act shall not apply to the horseracing industry as regulated in sections 2-1201 to 2-1229.

(2) Nothing in section 3 of this act prevents or limits the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(a) Provided the equipment or tack and the equipment or tack caused the injury because the equine activity sponsor or professional failed to reasonably and prudently inspect or maintain the equipment or tack;

(b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his or her ability;

(c) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine activity sponsor, equine professional, or person and for which warning signs were not conspicuously posted;

(d) Commits an act or omission which a reasonable, prudent person would not have done or omitted under the same or similar circumstances or which constitutes willful or wanton disregard for the safety of the participant and that act or omission was a proximate cause of the injury; or

(e) Intentionally injures the participant.

. . . .

The above-quoted exceptions enumerate numerous acts or omissions by an equine activity sponsor, equine professional, or other person which would not be exempt under LB 348 and which could form the basis of liability.

In summary, LB 348 purports to limit liability for certain equine activities; however, the exceptions contained in the bill are so broad as to virtually swallow up the general provisions limiting liability. For example, Section 4(2)(d), quoted above, would appear to preclude limiting liability if the equine professional, sponsor, or other person was negligent, as that concept is commonly defined in tort law. Thus, in answer to your specific question, LB 348 certainly does not exclude an equine owner from all liability for his or her animal.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Hobert B. Rupe
Assistant Attorney General

20-01-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 101	Monday, March 6, 1995	1:30 p.m.
LB 383	Monday, March 6, 1995	1:30 p.m.
LB 636	Monday, March 6, 1995	1:30 p.m.
LB 714	Monday, March 6, 1995	1:30 p.m.
LB 284	Tuesday, March 7, 1995	1:30 p.m.
LB 319	Tuesday, March 7, 1995	1:30 p.m.
LB 426	Tuesday, March 7, 1995	1:30 p.m.
LB 686	Tuesday, March 7, 1995	1:30 p.m.
LB 751	Tuesday, March 7, 1995	1:30 p.m.
LB 447	Monday, March 13, 1995	1:30 p.m.
LR 41CA	Monday, March 13, 1995	1:30 p.m.
LR 51	Monday, March 13, 1995	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 216. Mr. Chambers withdrew his motion to indefinitely postpone, found in the Journal on page 708.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Bernard-Stevens
Beutler
Bohlke
Chambers
Cudaback
Day
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Landis
Lindsay
Schellpeper
Schimek
Schmitt
Warner
Wickersham
Withem

Voting in the negative, 17:

Brashear
Bromm
Brown
Crosby
Dierks
Jensen
Matzke
Maurstad
Pirsch
Preister
Robinson
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek

Present and not voting, 3:

Engel
Janssen
Pedersen

Excused and not voting, 9:

Abboud
Avery
Coordsen
Jones
Kristensen
Lynch
McKenzie
Robak
Will

Failed to advance to E & R for review with 20 ayes, 17 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 366. Title read. Considered.

Ms. Day, Mrs. Crosby, and Mr. Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0039, found in the Journal on page 549, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 401. Title read. Considered.

Standing Committee amendment, AM0150, found in the Journal on page 549, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Messrs. Bromm, Dierks, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 57. Placed on General File.
LEGISLATIVE BILL 126. Placed on General File.

LEGISLATIVE BILL 396. Placed on General File as amended.
Standing Committee amendment to LB 396:
AM0221

1. On page 4, line 11, strike "and all", show as stricken, and insert "or"; and strike beginning with "including" in line 12 through "work" in line 13, show as stricken, and insert "whichever is greater, and attorney's fees".

2. On page 5, line 10, strike "and all", show as stricken, and insert "or"; and strike beginning with "including" in line 11 through "work" in line 12, show as stricken, and insert "whichever is greater, and attorney's fees".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM0386

(Amendments to AM0095)

1. On page 58, line 12, after the first "to" insert "40,"; in line 18 after "66-651," insert "66-673,"; and in line 23 strike "66-673,".

GENERAL FILE

LEGISLATIVE BILL 402. Title read. Considered.

Standing Committee amendment, AM0156, found in the Journal on page 550, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Robinson and Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 640	Wednesday, February 22, 1995	1:30 p.m.
LB 576	Wednesday, February 22, 1995	1:30 p.m.
LB 209	Wednesday, February 22, 1995	1:30 p.m.
LB 553	Thursday, February 23, 1995	1:30 p.m.
LB 108	Thursday, February 23, 1995	1:30 p.m.
LB 229	Friday, February 24, 1995	1:30 p.m.
LB 871	Friday, February 24, 1995	1:30 p.m.
Governor Appointments	Friday, February 24, 1995	1:30 p.m.

Nebraska Ethanol Board
  Gary Goldberg
  Pat Hillebrandt

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 291. Placed on General File.
LEGISLATIVE BILL 438. Placed on General File.
LEGISLATIVE BILL 699. Placed on General File.

(Signed) Chris Abboud, Chairperson

Natural Resources

LEGISLATIVE BILL 828. Placed on General File as amended.
Standing Committee amendment to LB 828:
AM0385

1. On page 2, lines 19 and 20, strike ", which" and insert "for electrical energy and associated services or facilities. The"; in line 23 after "project" insert "approved pursuant to the Quality Jobs Act beginning operation on or after July 1, 1995,"; and in line 24 strike "to" and insert "of".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 801. No objections. So ordered.

VISITORS

Visitors to the Chamber were Pat and Laura Barry from Omaha; Megan Danek from Mickle Middle School, Lincoln; and Mike and Bridget Howell from Omaha.

The Doctor of the Day was Craig Treptow from Lincoln.

ADJOURNMENT

At 11:50 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-EIGHTH DAY - FEBRUARY 15, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Joe Sherwood, Bible Baptist Church and Parkview Christian School, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Engel, Hall, Kristensen, Lindsay, Lynch, Wehrbein, Wickersham, Will, Mmes. Crosby, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

MESSAGE FROM THE GOVERNOR

February 14, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 3, 5, 6, 9, 13, 15, 16, 17, 26, 49, 52, 127, 133, 134, 135, 159, 161, 214, and 268 were received in my office on February 8, 1995; Engrossed Legislative Bills 1, 2, 4, 8, 10, 11, 12, 14, 22, 152, and 239 were received on February 10, 1995.

These bills were signed by me on February 14, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 297 in the Journal. No objections. So ordered.

AM0358

1. On page 3, strike beginning with "accrues" in line 2 through "of" in line 3 and insert "is barred under".

Mr. Withem asked unanimous consent to print the following amendment to LB 420 in the Journal. No objections. So ordered.

AM0422

1. On page 3, strike beginning with "The" in line 22 through "payments" in line 23 and all amendments thereto and insert "Except for garnishments in support of a person, the payments may be made payable to the judgment creditor or assignee and".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 53.

ANNOUNCEMENT

The Chair announced today is Senator Avery's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to public funds; to amend sections 2-115, 2-1070, 2-1503.01, 2-1547, 2-1577, 2-1587, 2-1808, 2-2317, 2-2408.02, 2-2705, 2-2705.01, 2-3110, 2-3322, 2-3413, 2-3521, 2-3633, 2-3763, 2-3812, 2-3814, 2-3911, 2-4018, 3-126, 3-156, 8-1120, 35-601, 37-202.03, 37-428, 37-1305, 39-846, 39-1390, 39-2401, 43-1906, 44-707.03, 46-670, 46-1121, 48-617, 48-620, 48-1707, 48-1810, 50-437, 51-606, 54-147, 54-857, 54-1173, 54-1371, 54-2004, 55-131, 60-305.14, 60-1409, 66-1224, 68-301, 68-723, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-222.02, 71-381, 71-2016, 71-2201, 71-4718, 71-4732, 71-6116, 71-6228, 72-202, 72-232.07, 74-1317, 77-3,111, 77-2365, 79-340, 79-1345, 79-1910.01, 79-2009.01, 79-2107, 79-3363, 80-301.02, 80-401, 81-161.06, 81-201.05, 81-2,147.11, 81-2,162.27, 81-2,164.03, 81-2,174, 81-2,237, 81-815.30, 81-815.45, 81-815.51, 81-815.52, 81-829.42, 81-845, 81-8,107, 81-8,110.07, 81-8,225, 81-8,239.03, 81-8,239.09, 81-8,260.02, 81-912, 81-1108.02, 81-1108.24, 81-1117, 81-1120, 81-1120.22, 81-1120.40, 81-1201.22, 81-1354.03 to 81-1354.05, 81-1414.04, 81-15,103, 81-15,143, 81-15,161.01, 81-15,183, 81-1635, 81-1835, 81-2004, 81-2004.02, 81-2013, 81-2236, 81-2272, 82-108.02, 83-121, 83-129, 83-169, 83-210.01, 84-133, 84-219, 84-220, 84-414, 84-613, 84-907.03, 84-1227, 85-113, 85-168, 85-192, 85-606.01, 88-552, and 90-248, Reissue Revised Statutes of Nebraska, and sections 1-111, 2-1208.04, 2-15,122, 9-811.01, 32-204, 33-102, 43-1321, 45-127, 46-1403, 48-1,103, 48-622.01, 48-622.02, 48-2115, 50-114.05, 69-1317, 71-1,206.13, 71-5661, and 71-7528, Revised Statutes Supplement, 1994; to delete internal references to sections repealed in 1994; to harmonize internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Crosby
Hall
Kristensen
Lynch
Robak
Wehrbein
Wickersham
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 41. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1994; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Crosby
Hall
Kristensen
Lynch
Robak
Wehrbein
Wickersham
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,162, 60-6,219, 60-6,225, 60-6,226, 60-6,227, 60-6,230, and 60-6,232, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of signals and lights; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins

Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Crosby
Hall
Kristensen
Lynch
Robak
Wehrbein
Wickersham
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to railroad safety; to amend sections 74-1302 and 74-1305, Reissue Revised Statutes of Nebraska; to eliminate the termination date for railroad transportation safety districts; to harmonize provisions; to repeal the original sections; and to outright repeal section 74-1309, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Schimek
Withem

Excused and not voting, 5:

Hall
Kristensen
Wickersham
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 82.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hillman
Robak

Excused and not voting, 4:

Hall
Kristensen
Lynch
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 1994; to provide powers of the county board of equalization relating to levies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 4:

Hall
Kristensen
Lynch
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 169. With Emergency.

A BILL FOR AN ACT relating to milk; to amend section 2-3912, Revised Statutes Supplement, 1994; to include sheep milk in the Nebraska Pasteurized Milk Law; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 3:

Hall
Kristensen
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 186.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,294, Reissue Revised Statutes of Nebraska; to change provisions relating to dummy axles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Schimek
Warner

Excused and not voting, 3:

Hall
Kristensen
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Ms. Day and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 386 in the Journal. No objections. So ordered.

AM0433

1. Insert the following new section:

"Section 1. Section 21-330, Revised Statutes Supplement, 1994, is amended to read:

21-330. Any corporation which has paid tax in excess of the proper amount of the occupation tax imposed in sections 21-301 to 21-325 for any year shall be entitled to a refund of such excess payment. Claims for refund shall be filed with the Secretary of State or may be submitted by the Secretary of State based on his or her own investigation. If approved or submitted by the Secretary of State, the claim shall be forwarded to the State Treasurer for payment from the General Fund. ~~(1) For 1993, in addition to the occupation tax imposed in sections 21-301 to 21-325, there is hereby levied on all corporations subject to the occupation tax and all corporations exempt from the occupation tax pursuant to section 21-321 an additional fee of one hundred fifty dollars per corporation to be levied and collected in the same manner as the occupation tax.~~

~~(2) The Secretary of State may credit the fee paid by a corporation pursuant to this section for 1992 against the fee imposed by this section for 1993. Any corporation not subject to the fee imposed by this section for 1993 and which paid the fee or assessment imposed for 1992 shall be issued a refund of the fee or assessment paid for 1992.~~".

2. On page 3, line 8, strike "is" and insert "and section 21-330, Revised Statutes Supplement, 1994, are".

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM0426

(Amendments to Standing Committee amendments, AM0364)

1. On page 11, line 10, after "other" insert "state-financed"; and in line 15 strike "a".

SELECT FILE

LEGISLATIVE BILL 60. Mr. Schmitt asked unanimous consent to bracket LB 60, as per motion found in the Journal on page 703, until January 15, 1996. No objections. So ordered.

LEGISLATIVE BILL 20. E & R amendment, AM7017, found in the Journal on page 571, was adopted.

Mr. Landis withdrew his amendment, AM0169, found in the Journal on page 553.

Mr. Chambers withdrew his amendments, AM0218 and AM0155, found in the Journal on pages 595 and 568.

Messrs. Chambers, Matzke, Landis, and Bromm offered the following amendment:
AM0429

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Actively recruit means any affirmative act, as defined by the Department of Labor, done by or on behalf of an employer for the purpose of recruitment or hiring of non-English-speaking employees who reside more than five hundred miles from the place of employment;

(2) Commissioner means the Commissioner of Labor;

(3) Employ means to permit to work;

(4) Employee means any individual employed by any employer but does not include:

(a) Any individual employed in agriculture; or

(b) Any individual employed as a child care provider in or for a private home;

(5) Employer means any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing one hundred or more employees at any one time, except for seasonal employment of not more than twenty weeks in any calendar year, or person acting directly or indirectly in the interest of an employer in relation to an employee but does not include the United States, the state, or any political subdivision thereof; and

(6) Non-English-speaking employee means an employee who does not speak, read, or understand English to the degree necessary for comprehension of the terms, conditions, and daily responsibilities of employment.

Sec. 2. If an employer or a representative of an employer actively recruits any non-English-speaking persons who reside more than five hundred miles from the place of employment for employment as employees in this state and if more than ten percent of the employees of an employer are non-English-speaking employees and speak the same non-English language, the employer shall provide a bilingual employee who is conversant in the identified non-English language and available at the work site for each shift during which a non-English-speaking employee is employed to (1) explain and respond to questions regarding the terms, conditions, and daily responsibilities of employment and (2) serve as a referral agent to community services for the non-English-speaking employees.

Sec. 3. (1) An employer or a representative of an employer who actively recruits any non-English-speaking persons who reside more than five hundred miles from the place of employment for employment as employees in this state and whose workforce is more than ten percent non-English-speaking employees who speak the same non-English language shall file with the commissioner a written statement signed by the employer and each such employee which provides relevant information regarding the position of employment, including:

(a) The minimum number of hours the employee can expect to work on a weekly basis;

(b) The hourly wages of the position of employment including the starting hourly wage;

(c) A description of the responsibilities and tasks of the position of employment;

(d) The transportation and housing to be provided, if any, any costs to be charged for housing or transportation, how long such housing is to be provided, and that such housing is in compliance with all applicable state and local housing standards; and

(e) The occupational physical demands and hazards of the position of employment which are known to the employer.

The statement shall be written in English and in the identified language of the non-English-speaking employee, and the employer or the representative shall explain in detail the contents of the statement prior to obtaining the employee's signature. A copy of the statement shall be given to the employee.

It is a violation of this subsection if an employer or representative knowingly and willfully provides false or misleading information on the statement or regarding the contents of the statement.

(2) An employer shall provide transportation for a recruited employee, at no cost to the employee, to the location from which the employee was recruited if the employee:

(a) Resigns from employment within four weeks after the initial date of employment; and

(b) Requests transportation within not more than three days after the employee's last day of employment with the employer which recruited the employee.

Sec. 4. The commissioner shall adopt and promulgate rules and regulations necessary to carry out this act. The commissioner or a representative of the commissioner may:

(1) Inspect employment records of an employer relating to the total number of employees, the total number of non-English-speaking employees, and the services provided to non-English-speaking employees; and

(2) Interview an employer, any representative, any agent, or an employee of the employer during working hours or at other reasonable times.

Sec. 5. Any employer who violates any provision of section 2 or 3 of this act is guilty of a Class IV misdemeanor.

Sec. 6. Any person aggrieved as a result of a violation of sections 2 to 4 of this act may file suit in any district court of this state. If the court finds that the respondent has intentionally violated any provision of sections 2 to 4 of this act, the court may award damages up to and including an amount equal to the original damages and provide injunctive relief.".

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 7, 41, 59, 80, 82, 167, 169, and 186.

SELECT FILE

LEGISLATIVE BILL 20. The Chambers et al. pending amendment, AM0429, found in this day's Journal, was renewed.

The Chambers et al. amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Schellpeper requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 343. E & R amendment, AM7021, found in the Journal on page 573, was adopted.

Mr. Schellpeper offered the following amendment:
AM0097

(Amendments to Standing Committee amendments, AM0044)

1. Strike amendment 2 and insert the following new amendment:

"2. On page 13, line 1, after 'relationships' insert '. Nothing in this exception shall allow the Lottery Division to withhold from the public any information relating to amounts paid persons or entities with which the division has entered into contractual relationships, amounts of prizes paid, the name of the prizewinner, and the city, village, or county where the prizewinner resides' ".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 65. Ms. Schimek moved to indefinitely postpone.

Mr. Wesely and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?"

Mr. Pedersen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Ms. Schimek withdrew her motion to indefinitely postpone.

The Chair declared the call raised.

Mr. Bernard-Stevens offered the following amendment:
AM0065

1. On pages 2, 3, and 4, reinstate the stricken matter.

2. On page 2, line 13, after the period insert "The officers of the convention shall certify the names of the electors to the Governor and Secretary of State."; in line 13 strike the reinstated "One" show as stricken, and insert "Until January 1, 2006, one"; and strike beginning with "The" in line 15 through the period in line 17 and show as stricken.

3. On page 3, lines 4 and 6, strike the reinstated "Each", show as stricken, and insert "Until January 1, 2006, each"; and in lines 24 and 28 strike the reinstated "Receipt", show as

stricken, and insert "Until January 1, 2006, receipt".

Messrs. Schellpeper and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendment to LB 344:
AM0417

1. Strike original sections 11, 12, 14, 15, 19, 23, and 24.

2. On page 26, lines 13, 14 and 15, 22, and 23; page 27, line 25; page 28, lines 11 and 14; page 35, line 2; and page 52, lines 17 and 18, strike the new matter.

3. On page 83, line 22, strike "9-347.01,"; in line 24 strike "9-301, 9-303,"; and in line 25 strike "9-321.02,", "9-327," and "9-347,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 418. Placed on General File as amended. (Standing Committee amendment, AM0335, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 590. Placed on General File as amended.
Standing Committee amendment to LB 590:
AM0416

1. On page 3, strike beginning with "All" in line 3 through the period in line 6 and insert "Any change in the status of any municipal or county library pursuant to sections 1 to 13 of this act shall not affect the status of any employee of such library for purposes of determining his or her salary or benefits.".

2. On page 4, strike beginning with "of" in line 3 through "residents" in line 4; and in line 5 after "determine" insert "the number of board members and".

3. On page 6, strike beginning with the first comma in line 25 through line 28.

4. On page 7, line 1, strike beginning with "interest" through "require".

5. On page 13, line 25, reinstate "municipal"; and in line 26 before "public" insert "or".

6. On page 14, line 14, reinstate the stricken matter; in line 15 strike "Public" and insert "or public"; and in line 16 reinstate the stricken matter and before "public" insert "or".

7. On page 16, line 20, strike "or", show as stricken, reinstate the stricken matter and before the first "public" insert ", or".

(Signed) Stan Schellpeper, Chairperson

Health and Human Services

LEGISLATIVE BILL 406. Placed on General File as amended.
Standing Committee amendment to LB 406:
AM0321

1. Insert the following new sections:

"Section 1. Section 71-1,206.18, Revised Statutes Supplement, 1994, is amended to read:

71-1,206.18. Except as provided in this section, a person licensed as a psychologist under the law in effect immediately prior to September 1, 1994, but not certified in clinical psychology:

(1) Shall be issued a special license to practice psychology that continues existing requirements for supervision. Any psychological practice that involves the diagnosis and treatment of major mental and emotional disorders by a person holding a special license shall be done under the supervision of a licensed psychologist approved by the board in accordance with regulations developed by the board. A psychologist licensed under this subdivision shall not supervise mental health practitioners or independently evaluate persons under the Nebraska Mental Health Commitment Act. Supervisory relationships shall be registered with the board by a notarized letter signed by both the supervisor and supervisee. The letter shall contain:

(a) A general description of the supervisee's practice and the plan of supervision;

(b) A statement by the supervisor that he or she has the necessary experience and training to supervise this area of practice; and

(c) A statement by the supervisor that he or she accepts the legal and professional responsibility for the supervisee's practice with individuals having major mental and emotional disorders.

Psychologists practicing with special licenses may continue to use the title licensed psychologist but shall disclose supervisory relationships to clients or patients for whom supervision is required and to third-party payors when relevant. Psychologists who wish to continue supervisory relationships existing immediately prior to September 1, 1994, with qualified physicians may do so if a letter as described in this subdivision is received by the board within three months after such date;

(2) May apply for licensure within three months after September 1, 1994, by demonstrating that he or she has rendered psychological diagnostic and treatment services as the major

element of his or her employment in an educational, correctional, or health care setting for at least four years after licensure. A psychologist demonstrating such experience shall be deemed to have met equivalent requirements for licensure to those required by section 71-1,206.15 and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law. For purposes of this subdivision:

(a) Educational settings shall be those which are part of a university or state college and those regulated by the State Department of Education;

(b) Correctional settings shall be those under the jurisdiction of the Department of Correctional Services; and

(c) Health care settings shall be hospitals, skilled nursing facilities, clinics, and mental health centers licensed by the Department of Health and accredited by the Joint Commission on Hospital Accreditation, by the Commission on Accreditation of Rehabilitation Facilities, ~~or~~ by the Department of Public Institutions, or by a similar or an equivalent accrediting body as determined by the board.

The four-year period shall be continuous and represent four years of full-time employment or a combination of half-time and full-time employment that totals four years. For purposes of this subdivision, year shall mean a calendar year except for educational settings that may define the employment year in nine-month increments. In no case shall an applicant receive four years of credit for experience accrued in less than four calendar years; or

(3) May apply for licensure within three months of September 1, 1994, by demonstrating that he or she has been employed as full-time faculty in a program of graduate education in psychology approved by the American Psychological Association for a period not less than five years after licensure. A person demonstrating such employment shall be deemed to have met equivalent requirements for licensure under section 71-1,206.15 and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law.

A person licensed but not certified to practice clinical psychology under the law in effect immediately prior to September 1, 1994, who has failed the examination for clinical certification shall not be eligible to apply under subdivisions (2) and (3) of this section. The board may deny an application under such subdivisions if the applicant has had any action taken against him or her for violations of the laws licensing psychologists by the board or the boards of other jurisdictions. Such person shall be granted a special license under subdivision (1) of this section.

Sec. 2. Section 71-1,314, Revised Statutes Supplement, 1994, is amended to read:

71-1,314. (1) On and after September 1, 1994, no person shall hold himself or herself out as a mental health practitioner unless he or she is licensed as such by the department. A person shall be qualified to be a licensed mental health practitioner if he or she:

(a) Has received a master's degree~~, the~~ that consists of course work and training ~~leading to~~ which was primarily therapeutic mental health in content and included a practicum or internship, and was from an approved educational program. Practicums or internships completed after September 1, 1995, must include ~~which required~~ a minimum of three hundred clock hours of direct client contact under the supervision of a ~~qualified physician, a licensed psychologist, or a certified master social worker, certified professional counselor, or marriage and family therapist qualified for certification on September 1, 1994, for any hours completed before such date or of a~~ qualified physician, a licensed psychologist, or a licensed mental health practitioner; ~~for any hours completed after such date, from a regionally accredited institution or an institution the mental health program of which is accredited by a nationally recognized accreditation agency;~~

(b) Has successfully completed three thousand hours of supervised experience in mental health practice of which fifteen hundred hours were in direct client contact in a setting where mental health services were being offered and the remaining fifteen hundred hours included, but were not limited to, review of client records, case conferences, direct observation, and video observation. For purposes of this subdivision, supervised shall mean monitored by a qualified physician, a licensed clinical psychologist, or a certified master social worker, certified professional counselor, or marriage and family therapist qualified for certification on September 1, 1994, for any hours completed before such date or by a qualified physician, a psychologist licensed to engage in the practice of psychology, or a licensed mental health practitioner for any hours completed after such date, including evaluative face-to-face contact for a minimum of one hour per week. Such three thousand hours shall be accumulated after completion of the master's degree and during the five years immediately preceding the application for licensure; and

(c) Has satisfactorily passed an examination approved by the board. An individual who by reason of educational background is eligible for certification as a certified master social worker, a certified professional counselor, or a certified marriage and family therapist shall take and pass a certification examination approved by the board before becoming licensed as a mental health practitioner.

(2) For a period of one year following September 1, 1994:

(a) An individual who is certified on September 1, 1994, as a certified master social worker or certified professional counselor can be licensed as a mental health practitioner by making application to the department and paying the licensure fee;

(b) An individual who has a mental health-related master's degree, as determined by the board, and five years experience providing mental health services may, upon successful completion of the examination for licensure as a mental health practitioner, be licensed as a mental health practitioner; and

(c) An individual who obtains certification as a marriage and family therapist by September 1, 1995, can be licensed as a mental health practitioner by making application to the department and paying the licensure fee.".

2. On page 3, line 9, strike "2" and insert "4".

3. On page 7, line 9; page 8, line 4; and page 10, lines 4 and 19, strike "3" and insert "5".

4. On page 11, line 3, strike "3 to 9" and insert "5 to 11".

5. On page 16, line 28, strike "a", show as stricken, and insert "an initial".

6. On page 17, lines 4, 8, and 11, strike "a" and insert "an initial"; in line 5 strike ", project monitor, or" and insert "or an initial"; and in line 12 after "supervisor" insert "training course, an initial project monitor training course, an initial inspector training course," and after "or" insert "an initial".

7. On page 21, line 23, after "an" insert "initial".

8. On page 22, line 14; page 23, line 1; page 24, line 11; and page 25, line 1, strike "a", show as stricken, and insert "an initial".

9. On page 23, line 21, strike "a" and insert "an initial".

10. On page 25, line 28, strike the third "or" and insert "and".

11. On page 26, line 3, strike "(1)" and insert: "If a project designer or a project monitor is selected by the structure's owner or operator for an asbestos project, the project designer and project monitor shall do the following:

(1)"; in line 10 strike the period and insert a semicolon; in line 12 after "asbestos" insert "renovation" and after "the" insert "parts of a"; in line 13 strike "project is to" and insert "asbestos project and the renovation will"; in line 14 after the period insert "Prior to preparing plans and specifications for an asbestos-related demolition project, a project designer shall ensure that the entire structure was inspected and assessed by a certified inspector;"; in line 15 strike "A" and insert "If a" and strike "shall be" and insert " is"; in line 17 strike "and" and insert "he or she"; and in line 18 after the period insert "A private or public business entity which uses its own trained and certified employees to perform asbestos projects may also use its own employees who are trained and certified as project designers or project monitors to design and monitor projects conducted on or in its own structures; and".

12. On page 29, line 16, strike "17" and insert "19".

13. On page 32, line 1, after "sections" insert

"71-1,206.18, 71-1,314," and after "71-6301" insert a comma.

14. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 15, 1995, at 10:45 a.m., were the following bills: 7, 41, 59, 80, 82, 167, 169, and 186.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION

Opinion No. 95010

DATE: February 14, 1995

SUBJECT: Power of Natural Resources Districts to acquire abandoned railroad right-of-way.

REQUESTED BY: Senator Carol Hudkins
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Warren D. Lichty, Assistant Attorney General

Your inquiry has to do with LB 258, 94th Legislature, First Session (1995), and particularly with regard to the effect that bill has in amending Neb. Rev. Stat. § 28-2801 (1994). That bill indicates an intention to provide powers and duties relating to railroad rights-of-way and recreational trails. In section 1, the bill gives the Game and Parks Commission power to acquire abandoned railroad right-of-way by gift, devise, or purchase.

Section 4 of the bill amends Neb. Rev. Stat. § 81-2801 (1994), which act, generally, prohibits agencies of the State from purchasing, leasing or acquiring real estate from a railroad on rural right-of-way which has been abandoned. The amendment adds the Game and Parks Commission to the exceptions to that prohibition.

Your question is whether a Natural Resources District (NRD) is, by this statute, prevented from accepting abandoned railroad land without approval by the legislature. The 1988 case, Catherland Reclamation District v. Lower Platte North Natural Resources District, 230 Neb. 580, 433 N.W.2d 161 (1988), holds, at page 585, that an NRD is a political subdivision, and that it has only that power delegated to it by the legislature. It also states that a grant of power to a political subdivision is strictly construed. In Dawson v. Papio Natural Resources District, 206

Neb. 225, 291 N.W.2d 730 (1980), an NRD was referred to as a governmental subdivision.

As to whether NRDs have the authority, generally, to acquire real estate, we believe that, while the grant is not in clearest language, they do. Neb. Rev. Stat. § 2-3233 (1991) authorizes a district "to acquire by grant, purchase, bequest, devise, or lease and to hold and use waterworks, personal property, and interests or title in real property. . . ." In addition, Neb. Rev. Stat. § 2-3228 (1991) gives districts the power and authority to "Receive and accept donations, gifts, grants, bequests, appropriations, or other contributions in money, services, materials, or otherwise. . . from any person as defined in section 49-801. . . ." Neb. Rev. Stat. § 49-801 (1993) defines person as including "bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations." Also, Neb. Rev. Stat. § 2-3229 (1991) defines the purposes of a district so as to include development and management of recreational and park facilities. We believe this definition is broad enough to include recreational trails.

This leads to the conclusion that an NRD would have the power to acquire real estate and that this would include abandoned railroad right-of-way unless Neb. Rev. Stat. § 81-2801 (1994) prohibits it. We believe the language of the first sentence of that section is clear and not subject to interpretation. All agencies of the State of Nebraska, except the Department of Roads, and now, with the amendment, the Game and Parks Commission, are so prohibited.

The only question remaining then is whether an NRD is an "agency of this State." Certainly, the NRDs were set up by authority of the legislature and Neb. Rev. Stat. § 2-3201 (1991) declares an intent that such districts encompass all the areas of the State. However, as discussed above, NRDs are political subdivisions, and are not "agencies of the State." Consequently, § 81-2801 does not apply to NRDs.

Sincerely,
DON STENBERG
Attorney General
(Signed) Warren D. Lichty
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Judiciary

LB 200	Wednesday, February 22, 1995	1:30 p.m.
LB 266	Wednesday, February 22, 1995	1:30 p.m.
LB 880	Wednesday, February 22, 1995	1:30 p.m.
LB 784	Wednesday, February 22, 1995	1:30 p.m.
LB 188	Wednesday, February 22, 1995	1:30 p.m.
LB 881	Wednesday, February 22, 1995	1:30 p.m.
LB 545	Wednesday, February 22, 1995	1:30 p.m.

LB 850	Wednesday, February 22, 1995	1:30 p.m.
LB 872	Wednesday, February 22, 1995	1:30 p.m.
LB 827	Wednesday, February 22, 1995	1:30 p.m.
LB 662	Wednesday, February 22, 1995	1:30 p.m.
LB 569	Wednesday, February 22, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 619. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Maurstad withdrew his name as cointroducer to LB 798.

VISITORS

Visitors to the Chamber were Mayor Keith Richardson from North Platte; Dan and Tia McGuire from District 42; Senator Pedersen's wife, Poe, and family from Elkhorn; and Dan Duncan from Wahoo.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 16, 1995

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 16, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Cantor Michael Weisser, South Street Temple, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Chambers, Coordsen, Dierks, Hall, Janssen, Kristensen, Lindsay, Lynch, Schrock, Wickersham, Mses. Day, Schimek, Mmes. Hudkins, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

MESSAGE FROM THE GOVERNOR

February 15, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 202 was received in my office on February 10, 1995.

This bill was signed by me on February 15, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Assam, Fred - Sioux Falls, SD	Nebraskans for Fair Gaming Laws Inc.
Cullan, Tracey - Omaha (Withdrawn 02/14/1995)	UNO Student Government (Withdrawn 02/14/1995)
Cutshall, Bruce A. - Lincoln	Fleetwood Travel Trailers of Nebraska Greater Omaha Chamber of Commerce
Kissel/E&S Associates, L.L.C.	
Kissel, Gordon - Lincoln	Greater Omaha Chamber of Commerce
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Nebraska Speech, Language, & Hearing Association
Meyer, Herbert A. - Seward	National Association Retired Federal Employees, Nebraska Federation
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Nebraska Organization of Convenience Stores
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Farmers State Bank Maximus, Inc.
Pappas, James E. - Lincoln	James P. Cavanaugh Martell State Bank
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Nebraska Organization of Convenience Stores
Vitek, James C. - Omaha	Blue Cross & Blue Shield of Nebraska
Wright, Norman H. - Omaha	Ash Grove Cement Company Multistate Associates Incorporated on Behalf of National Wholesale Druggists Association Multistate Associates Incorporated on Behalf of Smart Corporation Services for Children, Inc.

REPORTS

The following reports were received by the Legislature:

Education, Department of
  Negotiations Report (Section 81-1384, RRS 1943, Reissue 1987)
  School Finance Review Committee Resolutions

Environmental Quality, Department of
  Litter Reduction and Recycling Grant Program Annual Report (LB 120, 1979)

Investment Finance Authority, Nebraska (NIFA)
  A1-B1 Single Family Issue Quarterly Report (Neb. Rev. Stat. § 58-270(4))
  C1-D1 Single Family Issue Quarterly Report (Neb. Rev. Stat. § 58-270(4))
  A-D Single Family Issue Quarterly Report (Neb. Rev. Stat. § 58-270(4))

Roads, Department of
  Highway Cash Fund and Roads Operation Cash Fund for January 1995 (Section 66-4,144, R.S. Supp. 1992)
  State Highway Commission Quarterly Report (Neb. Rev. Stat. Section 39-1111, 1988)
  State Highway System Inventory Supplement

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 618: Thomas Sonntag - Nebraska Oil and Gas Conservation Commission.

Voting in the affirmative, 25:

Beutler
Bohlke
Bromm
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Jensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 8:

Avery
Brashear
Brown
Fisher
Jones
Preister
Schellpeper
Wickersham

Excused and not voting, 16:

Abboud
Bernard-Stevens
Chambers
Coordsen
Day
Dierks
Hall
Hudkins
Janssen
Kristensen
Lindsay
Lynch
McKenzie
Robak
Schimek
Schrock

The appointment was confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

MRS. CROSBY PRESIDING

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 627: Gretchen Hirschbach - Coordinating Commission on Postsecondary Education.

Voting in the affirmative, 25:

Beutler
Bohlke
Bromm
Crosby
Engel
Hartnett
Hillman
Jensen
Jones
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 9:

Avery
Brashear
Brown
Cudaback
Elmer
Fisher
Schellpeper
Schimek
Warner

Excused and not voting, 15:

Abboud
Bernard-Stevens
Chambers
Coordsen
Day
Dierks
Hall
Hudkins
Janssen
Kristensen
Lindsay
Lynch
McKenzie
Robak
Schrock

The appointment was confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 709: G. Roderick Anderson and Christine Harris - State Personnel Board.

Voting in the affirmative, 25:

Beutler
Bromm
Crosby
Dierks
Engel
Hartnett
Janssen
Jensen
Jones
Landis

Matzke
Maurstad
Pedersen
Preister
Robinson
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 11:

Avery
Bohlke
Brashear
Brown
Cudaback
Elmer
Fisher
Hillman
Pirsch
Schellpeper
Will

Excused and not voting, 13:

Abboud
Bernard-Stevens
Chambers
Coordsen
Day
Hall
Hudkins
Kristensen
Lindsay
Lynch
McKenzie
Robak
Schrock

These appointments were confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 727: Dr. Arthur Weaver and Dr. Richard Tempero - State Board of Health and Marcia Freer and Dr. Michael Sitorius - Rural Health Advisory Commission.

Voting in the affirmative, 25:

Bohlke
Brashear
Brown
Crosby
Dierks
Engel
Janssen
Jensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 14:

Avery
Beutler
Bromm
Cudaback
Elmer
Fisher
Hartnett
Hillman
Jones
Lynch
Pirsch
Schellpeper
Schmitt
Wehrbein

Excused and not voting, 10:

Abboud
Bernard-Stevens
Chambers
Coordsen
Day
Hall
Hudkins
Kristensen
Lindsay
Robak

These appointments were confirmed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 275. Placed on General File as amended. (Standing Committee amendment, AM0418, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 512	Monday, February 27, 1995	1:30 p.m.
LB 536	Monday, February 27, 1995	1:30 p.m.
LB 632	Monday, February 27, 1995	1:30 p.m.
LB 882	Monday, February 27, 1995	1:30 p.m.
LB 631	Tuesday, February 28, 1995	1:30 p.m.
LB 681	Tuesday, February 28, 1995	1:30 p.m.
LB 725	Tuesday, February 28, 1995	1:30 p.m.
LB 734	Tuesday, February 28, 1995	1:30 p.m.
LB 102	Monday, March 6, 1995	1:30 p.m.
LB 667	Monday, March 6, 1995	1:30 p.m.
LB 773	Monday, March 6, 1995	1:30 p.m.
LB 838	Monday, March 6, 1995	1:30 p.m.
LB 673	Tuesday, March 7, 1995	1:30 p.m.
LB 774	Tuesday, March 7, 1995	1:30 p.m.
LB 835	Tuesday, March 7, 1995	1:30 p.m.
LB 836	Tuesday, March 7, 1995	1:30 p.m.
LB 748	Monday, March 13, 1995	1:30 p.m.
LB 793	Monday, March 13, 1995	1:30 p.m.
LB 841	Monday, March 13, 1995	1:30 p.m.

Governor Appointment Monday, March 13, 1995 1:30 p.m.
John Woollam - Research and Development Authority

LB 415	Tuesday, March 14, 1995	1:30 p.m.
LB 627	Tuesday, March 14, 1995	1:30 p.m.
LB 679	Tuesday, March 14, 1995	1:30 p.m.

Governor Appointment Tuesday, March 14, 1995 1:30 p.m.
Marilyn Michel - Nebraska Investment Council

LB 616	Tuesday, March 21, 1995	1:30 p.m.
LB 689	Tuesday, March 21, 1995	1:30 p.m.
LB 816	Tuesday, March 21, 1995	1:30 p.m.

Governor Appointments Tuesday, March 21, 1995 1:30 p.m.
Lee Jones - Research and Development Authority
Clifford Williams - Research and Development Authority

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 241 in the Journal. No objections. So ordered.

AM0260

1. On page 7, lines 13 and 22; page 10, line 3; and page 11, line 3, after "1997-98" insert "and each fiscal year thereafter".

Mr. Lynch asked unanimous consent to print the following amendment to LB 288 in the Journal. No objections. So ordered.

AM0333

1. On page 5, line 11, after the period insert "The trust property affected is legally described as follows:

....

....

.................................".

GENERAL FILE

LEGISLATIVE BILL 830. Title read. Considered.

Standing Committee amendment, AM0363, printed separately from the Journal and referred to on page 742, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Jones offered the following amendment:
AM0451

(Amendments to Standing Committee amendments, AM0363)

1. On page 5, line 8, and page 10, line 24, strike "ten" and insert "two".

Messrs. Dierks and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?"

Mrs. Brown moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Wickersham requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Avery
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Vrtiska
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 14:

Bernard-Stevens
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hudkins
Jones
Schellpeper
Schmitt
Schrock
Stuhr
Wesely
Wickersham

Present and not voting, 4:

Elmer
McKenzie
Preister
Schimek

Excused and not voting, 4:

Abboud
Hall
Lynch
Robak

The motion to cease debate prevailed with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Withem requested a record vote on the Jones amendment.

Voting in the affirmative, 11:

Bromm
Chambers
Coordsen
Dierks
Hudkins
Jones
Schellpeper
Schmitt
Stuhr
Wesely
Wickersham

Voting in the negative, 32:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback

Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Vrtiska
Warner
Wehrbein
Will
Withem

Present and not voting, 2:

Schrock
Witek

Excused and not voting, 4:

Abboud
Hall
Lynch
Robak

The Jones amendment lost with 11 ayes, 32 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen offered the following amendment:
FA39
Page 15, line 23, after least, insert "two thousand"

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

MRS. CROSBY PRESIDING

Mrs. Hillman, Ms. Day, Messrs. Vrtiska, and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen requested a record vote on his amendment.

Voting in the affirmative, 11:

Bromm
Chambers
Coordsen
Cudaback
Hudkins
Jones
Schellpeper
Schmitt
Schrock
Wesely
Witek

Voting in the negative, 22:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Engel
Hartnett
Jensen
Kristensen
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schimek
Warner
Will
Withem

Present and not voting, 7:

Elmer
Janssen
McKenzie
Preister
Stuhr
Wehrbein
Wickersham

Excused and not voting, 9:

Day
Dierks
Fisher
Hall
Hillman
Landis
Lynch
Robak
Vrtiska

The Coordsen amendment lost with 11 ayes, 22 nays, 7 present and not voting, and 9 excused and not voting.

Pending.

MOTION - Suspend Rules

Mr. Lindsay moved to suspend the rules, Rule 3, Section 13, to permit the Judiciary Committee to cancel the public hearing on LB 569.

The Lindsay motion to suspend the rules prevailed with 32 ayes, 3 nays, 5 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 569 Wednesday, February 22, 1995 (Cancel) 1:30 p.m.

(Signed) John Lindsay, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 385. Placed on General File as amended.
Standing Committee amendment to LB 385:
AM0448

1. On page 4, line 12, strike "Any" and insert "Except as provided in subsection (2) of this section, any"; after line 24 insert the following new subsection:

"(2) Subsection (1) of this section does not apply to the furnishing of information relating to suspected fraudulent insurance acts between or among insurers."; and in line 25 strike "(2)" and insert "(3)".

2. On page 5, strike beginning with the comma in line 4 through line 8, show the old matter as stricken, and insert an underscored period; and in line 22 after the period insert "At the request of the division, through the Director of Insurance, the Attorney General shall prosecute fraudulent insurance acts through

criminal or civil proceedings as authorized by the Insurance Fraud Act if, after investigation, the Attorney General is convinced that there is sufficient legal merit to justify the proceeding. The Attorney General, after consultation with the director, may refer cases of fraudulent insurance acts to a special assistant attorney general or county attorney for prosecution. Any costs directly associated with the prosecution and attorney's fees for any special assistant attorney general shall be paid by the division.".

3. On page 6, line 28, strike "a claim" and insert "an action".

4. On page 7, line 5, after the period insert "An action under this section shall be in lieu of a prosecution under section 10 of this act."; and in line 6 strike ", expenses, or billings" and insert "and expenses".

5. On page 11, after line 3 insert the following new subsection:

"(3) A prosecution under this section shall be in lieu of an action under section 7 of this act."; and in line 4 strike "(3)" and insert "(4)".

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 830 in the Journal. No objections. So ordered.

FA40

Pg 39 line 24 strike may and insert shall

Mr. Coordsen asked unanimous consent to print the following amendment to LB 830 in the Journal. No objections. So ordered.

AM0463

(Amendments to Standing Committee amendment, AM0363)

1. On page 11, line 18, after "area" insert ", to all landowners whose land is covered in whole or in part by the proposed designated blighted and substandard area,"; and in line 20 after the period insert "Such notice shall be by certified mail.".

2. On page 12, line 4, after "area" insert ", all landowners whose land is covered in whole or in part by the proposed designated blighted and substandard area,".

Mr. Will asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM0327

1. Insert the following new section:

"Section 1. Section 2-101, Reissue Revised Statutes of

Nebraska, is amended to read:

2-101. There shall be held, prior to April 1 of each year, a meeting of the State Board of Agriculture, together with the president of each county society~~,~~ or delegate therefrom duly authorized, who shall for ~~the time being~~ purposes of such meeting be ex officio members of the State Board of Agriculture, for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the agricultural interests throughout the state. Such meeting shall be held in every odd-numbered year at the capital of the state~~,~~ and in every even-numbered year at such location as the board may determine. At such annual meeting the ~~several~~ reports from the subordinate societies shall be delivered to the president of the board. The president and delegates shall at this meeting elect suitable persons to fill all vacancies in the board. The president shall also have the power to call meetings of the board whenever he or she may deem it expedient. The state fair shall be held at or near the city of ~~Lincoln, in Lancaster County~~ Omaha, in Douglas County, under the direction and supervision of the State Board of Agriculture. ~~, upon the site and tract of land, selected and now owned by the state for that purpose and known as the state fairgrounds.~~ The board may, at its discretion, hold or dispense with ~~the holding of~~ holding the fair~~,~~ in any year.".

2. On page 7, line 2, after "Original" insert "section 2-101, Reissue Revised Statutes of Nebraska, and".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 824. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Natural Resources

LEGISLATIVE BILL 552. Placed on General File.

LEGISLATIVE BILL 251. Placed on General File as amended.
Standing Committee amendment to LB 251:
AM0331

1. Strike the original sections and insert the following new section:

"Section 1. (1) Any person who withdraws ground water for agricultural purposes from aquifers located within the State of Nebraska may transfer the use of the ground water off the overlying land if the ground water is put to a reasonable and beneficial use within the State of Nebraska and is used for an agricultural purpose after transfer, and if such withdrawal, transfer, and use (a) will not significantly adversely affect any other water user,

(b) is consistent with all applicable statutes and rules and regulations, and (c) is in the public interest.

(2) Any affected party may object to the transfer of ground water by filing written objections, specifically stating the grounds for such objection, in the office of the natural resources district containing the land from which the ground water is withdrawn. Upon the filing of such objections or on its own initiative, the natural resources district shall conduct a preliminary investigation to determine if the withdrawal, transfer, and use of ground water is consistent with the requirements of subsection (1) of this section. Following the preliminary investigation, if the district has reason to believe that the withdrawal, transfer, or use may not comply with any rule or regulation of the district, it may utilize its authority under the Nebraska Ground Water Management and Protection Act to prohibit such withdrawal, transfer, or use. If the district has reason to believe that the withdrawal, transfer, and use is consistent with all rules and regulations of the district but may not comply with one or more other requirements of subsection (1) of this section, the district shall request that the Department of Water Resources hold a hearing on such transfer.

(3) At the hearing, all interested persons may appear and present testimony. Agencies or political subdivisions of this state and the appropriate natural resources districts shall offer as evidence any information in their possession which they deem relevant to the purposes of the hearing. After the hearing, if the Director of Water Resources finds that the withdrawal, transfer, or use of ground water is contrary to the requirements of such subsection, he or she shall issue a cease and desist order prohibiting the withdrawal and transfer.

(4) The director may adopt and promulgate rules and regulations to carry out this section.".

LEGISLATIVE BILL 338. Placed on General File as amended.
Standing Committee amendment to LB 338:
AM0309

1. Strike original section 3 and insert the following new section:

"Sec. 3. Section 37-216.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.01. (1) Except as provided in subsection (2) of this section:

(a) No~~, no~~ resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall take, hunt, kill, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the time of such taking, hunting, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of taking, hunting, killing, harvesting, or possessing such bird or animal; and

(b) No resident or nonresident of Nebraska sixteen years of age or older shall take, hunt, fish, catch, kill, harvest, or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such taking, hunting, fishing, catching, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired aquatic habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of taking, hunting, fishing, catching, killing, harvesting, or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person taking, hunting, fishing, catching, killing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or aquatic organism requiring a fishing permit in this state without ~~such a~~ the appropriate stamp attached to a valid hunting or fur-harvesting permit or fishing permit and not actually on or about his or her person shall be deemed to be without such stamp. ~~Such~~ A habitat stamp or an aquatic habitat stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars per stamp, as established by the commission pursuant to section 81-814.02.

(2) Subsection (1) of this section shall not apply to limited permits issued pursuant to section 37-215.03 or, for an aquatic habitat stamp, when a fishing permit is not required.".

2. On page 5, lines 6 and 7 and 11, strike beginning with "kill" through "fish", show the old matter as stricken, and insert "take, hunt, fish, catch, kill, harvest, or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel".

3. On page 7, line 13, after "Appropriations" insert "and the Committee on Natural Resources".

4. On page 8, strike lines 18 through 22 and insert "administered by the commission and shall be used first for the maintenance and restoration of existing aquatic habitat, if maintenance and restoration is practicable, and second for the enhancement of existing aquatic habitat and for the acquisition or enhancement of new aquatic habitat. Any purchase of real property or other real property rights under this subsection shall be on a willing-seller basis. The priority of expenditures outlined in this section may be waived if funds are currently needed to take advantage of a unique opportunity for the acquisition of additional aquatic habitat and no other funds are available for that purpose. Such funds may be used in whole or in part for the matching of federal funds.".

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 646	Thursday, February 23, 1995 (cancelled)	1:30 p.m.
LB 66	Friday, February 24, 1995 (cancelled)	1:30 p.m.
LB 606	Friday, February 24, 1995 (cancelled)	1:30 p.m.

LB 646	Friday, February 24, 1995 (rescheduled)	1:30 p.m.
LB 66	Thursday, March 9, 1995 (rescheduled)	3:00 p.m.
LB 606	Thursday, March 9, 1995 (rescheduled)	3:00 p.m.

LB 790	Wednesday, March 8, 1995	1:30 p.m.

Governor Appointments Wednesday, March 8, 1995 1:30 p.m.
Agricultural Land Valuation Advisory Board
Mona Moje
Jack Ostergard
Robert J. Broomfield

(Signed) Jerome Warner, Chairperson

Judiciary

LB 74	Thursday, February 23, 1995	1:30 p.m.
LB 75	Thursday, February 23, 1995	1:30 p.m.
LB 388	Thursday, February 23, 1995	1:30 p.m.
LB 446	Thursday, February 23, 1995	1:30 p.m.
LB 551	Thursday, February 23, 1995	1:30 p.m.
LB 657	Thursday, February 23, 1995	1:30 p.m.

LR 18CA	Thursday, February 23, 1995	1:30 p.m.
LR 20CA	Thursday, February 23, 1995	1:30 p.m.

LB 18	Friday, February 24, 1995	1:30 p.m.
LB 310	Friday, February 24, 1995	1:30 p.m.
LB 753	Friday, February 24, 1995	1:30 p.m.
LB 755	Friday, February 24, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

VISITORS

Visitors to the Chamber were Loretta and David Daro from David City; Boy Scout Troop 167 and sponsors from Neligh; Tara and John Hudson from Kearney; and Luke Fischer from Valentine.

The Doctor of the Day was D. J. Loschen from York.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Jensen, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTIETH DAY - FEBRUARY 21, 1995

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 21, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Coordsen, Hall, Kristensen, Landis, Lindsay, Matzke, Schellpeper, Schrock, Wickersham, Will, Mmes. Bohlke, Hillman, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 20 and 343.

Enrollment and Review Change to LB 20

The following changes, required to be reported for publication in the Journal, have been made:
ER9011
1. On page 1, line 4, "and injunctive relief" has been inserted after "damages".

Enrollment and Review Change to LB 343

The following changes, required to be reported for publication in the Journal, have been made:
ER9012

1. In the Schellpeper amendment, AM0097, on page 1, line 3, "1" has been struck and "2" inserted; and in line 4 "exception" has been struck and "subdivision" inserted and "Lottery Division" has been struck and "division" inserted.
2. On page 12, line 25, the comma has been struck and an underscored semicolon inserted; and in line 26 the first comma has been struck and an underscored semicolon inserted.
3. On page 13, lines 1 and 2, "Lottery Division" has been struck and "division" inserted.

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendment to LB 366:
AM7044

1. On page 1, line 1, strike "county" and strike "23-904" and insert "23-905"; strike beginning with "sections" in line 3 through "71-1631" in line 4 and insert "section 23-3519"; and strike beginning with "budget" in line 5 through "hospital" in line 7 and insert "county hospital budget statements".
2. On page 3, line 7, reinstate the stricken "thereto".

LEGISLATIVE BILL 401. Placed on Select File as amended.
(E & R amendment, AM7046, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 402. Placed on Select File as amended.
E & R amendment to LB 402:
AM7045

1. On page 1, line 4, strike "section" and insert "sections".

(Signed) David I. Maurstad, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95012

DATE: February 15, 1995

SUBJECT: Effect of Repeal of Neb. Rev. Stat. § 70-627.01 (1990), a Statutory Policy Statement Encouraging the Constructive Use of Radioactive Materials or Energy in Nebraska

REQUESTED BY: Senator Donald Preister
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Neb. Rev. Stat. § 70-627.01 (1990), which is a part of the Nebraska statutes dealing with public power and irrigation districts, states:

> It is hereby determined and declared to be the public policy of the State of Nebraska to encourage constructive use of radioactive material or the energy therefrom associated with facilities constructed in connection with the production of electrical energy, for industrial and other useful purposes, and to adapt its laws to meet new conditions in the developing field of industrial use of radioactive material or the energy therefrom in ways that will encourage the healthy development and progress of such industries.

LB 120 would repeal Section 70-627.01, and enact the following language into law:

> The Legislature finds that Nebraska should develop efficient and less-polluting energy sources which will make Nebraska more energy independent and will retain Nebraska dollars in the Nebraska economy, thereby generating additional jobs and tax income to the state rather than export Nebraska dollars. The Legislature further finds that the use of sustainable indigenous energy resources is in the public interest of the people of Nebraska.
>
> Consistent with this policy the public power districts in Nebraska shall:
>
> (1) Practice least cost integrated resource planning in the determination of future energy choices; and
>
> (2) Support research and development of a diverse energy supply that insulates Nebraska from the risks and uncertainties of fuel price volatility and future environmental liability.

You have now requested our opinion on a number of questions concerning the effects of a repeal of Section 70-627.01, and we will respond to each of your questions in turn. Before we address your specific questions, however, we will discuss some of the general rules pertaining to statutory interpretation and construction, for reasons that will become apparent below.

Statutes are not open to construction as a matter of course, and in the absence of any contrary indication, statutory language is generally to be given its plain and ordinary meaning. Weiner v. State ex rel. State Real Estate Commission, 214 Neb. 404, 333 N.W.2d 915 (1983). In keeping with that premise, when the words of a statute are plain, direct, and unambiguous, no interpretation is necessary or will be indulged to ascertain their meaning. Rosse v. Rosse, 244 Neb. 967, 510 N.W.2d 73 (1994). On the other hand, statutes are open to construction when the language used requires interpretation or may reasonably be considered ambiguous. Coleman v. Chadron State

College, 237 Neb. 491, 466 N.W.2d 526 (1991). Under circumstances where the language used in a statute is ambiguous and must be construed, a fundamental principle of statutory construction is to attempt to ascertain legislative intent and to give it effect, and recourse may be had to the legislative history of the statute for the purpose of discovering the intent of the lawmakers. Lancaster County v. Maser, 224 Neb. 566, 400 N.W.2d 238 (1987); North Star Lodge No. 227 v. City of Lincoln, 212 Neb. 236, 322 N.W.2d 419 (1982). Where the language used in a statute is ambiguous, recourse may also be had to the legislative purposes or policy underlying the statute. Freese v. Douglas County, 210 Neb. 521, 315 N.W.2d 638 (1982).

Section 70-627.01 is essentially a pronouncement by the Legislature of the public purposes or policy underlying certain portions of the statutes dealing with public power and irrigation districts. Such policy pronouncements are generally available for the clarification of ambiguous portions of a statute and are entitled to strong consideration in that process. 1A NORMAN J. SINGER, SUTHERLAND ON STATUTORY CONSTRUCTION, §20.12 (5th Ed. 1992); 82 C.J.S. Statutes § 323. However, such policy pronouncements are not a part of the substantive portion of the statute. SUTHERLAND ON STATUTORY CONSTRUCTION, supra. This latter rule is illustrated in Hansen v. Gass, 130 Neb. 685, 267 N.W. 403 (1936). That case involved the issue of whether the state's liquor laws in existence in 1936 allowed beer to be sold on the same premises as other alcoholic beverages. Section 3 of the pertinent statutes in that case contained a pronouncement by the Legislature that the public policy of Nebraska favored the separate sale of beer and other alcoholic beverages. Hansen at 687, 267 N.W. at 404. In contrast, various substantive portions of the same liquor statutes appeared to allow the sale of beer and other alcoholic beverages in the same location. Ultimately, the Nebraska Supreme Court ruled that the statement of public policy in Section 3 of the liquor statutes did not control over the other substantive provisions of the Act at issue. The Court stated:

> Section 3 {the public policy provision of the liquor statutes} is not legislative either in substance or form, but is merely a declaration of policy in the nature of a preamble. Although it appears as a section of the act, it does not change the provisions of the act. It declares that it is the public policy of the state to separate the sale at retail of beer and alcoholic liquors other than beer. It also provides that the same person may have a license to sell both if the sale is conducted as separate businesses and sold in separate and distinct places or premises. . . . However, it seems that what the Legislature does in positive and specific provisions of the law as enacted is not changed by a preliminary declaration as to public policy.
>
> . . . we conclude that the declaration of policy or purpose in section 3 of the act is not substantive law, and that it could only be of use to determine the intent of the Legislature in case sections 82 and 83 {other substantive liquor licensing provisions} were

> ambiguous with respect of the right of a holder of license C thereunder to sell alcoholic liquors, including beer regardless of alcoholic content, in the licensed premises.

Hansen at 693, 694, 267 N.W. at 407.

When the various authorities discussed above are taken into consideration, it becomes apparent that Section 70-627.01 is not substantive legislation, but only a statement of public policy or a description of the intent and purposes of the Legislature. Based upon those same authorities, if a given portion of the statutes dealing with public power and irrigation districts is clear and unambiguous, it is not open to construction, nor is it changed by the existence (or non-existence) of Section 70-627.01. On the other hand, portions of the statutes dealing with public power and irrigation districts which might be ambiguous will be construed with the assistance of the public policy pronouncement in Section 70-627.01 and any other relevant portions of the legislative history of those statutes. Repeal of the public policy pronouncement in Section 70-627.01 might also, in and of itself, form the basis for arguing that a particular construction should be given to an ambiguous portion of the statutes dealing with public power and irrigation districts since such a repeal might arguably evidence a change in the public policy of the State. With these conclusions in mind, we will turn to your specific questions in order in which you posed them.

1. Is 70-627.01 a state energy policy regarding nuclear energy?

We are not sure what you mean by "a state energy policy regarding nuclear energy." As noted above, Section 70-627.01 is a non-substantive statement of public policy and legislative intent which may be used, where appropriate in the case of statutory ambiguity, as an aid in the construction of pertinent statutes. Its repeal might also be used, in certain circumstances, as an aid in the construction of ambiguous statutes. Whether that makes it a "state energy policy regarding nuclear energy" depends upon your definition of such a policy and the application of such a policy in given circumstances.

2. Does repeal of 70-627.01 remove, affect or impair the rights, powers and authority of public power districts to operate or construct nuclear power plants, or to generate nuclear power?

As discussed at length above, Section 70-627.01 is not a substantive provision of law which changes other provisions of the statutes. Therefore, its repeal would not affect any specific and clearly enumerated powers or authority of public power districts regarding the generation of nuclear power. However, as a statement of public policy and legislative intent, it could be used, where appropriate, in the construction of any ambiguous statutes pertaining to those entities in those areas, and its repeal would affect that function. The repeal of Section 70-627.01 as a policy statement might also, in and of itself, form the basis for arguing that certain constructions should be placed on particular ambiguous statutes in those areas.

3. Does repeal of the policy language contained in 70627.01 (sic) create ambiguities or call into question any of the power, authority

or duties of public power and irrigation districts enumerated in Chapter 70?

Our answer to this question is essentially the same as our answer to question number 2 above. Since Section 70-627.01 is not a substantive statutory provision, its repeal would not affect any clearly stated powers or duties of public power and irrigation districts enumerated in Chapter 70. If it is repealed, it could no longer be used as an aid in the construction of any ambiguous statutes contained in Chapter 70, and its repeal as a policy statement could allow arguments for particular constructions of ambiguous portions of those statutes.

4. Does repeal of 70-627.01 affect or impair any person's rights to license, construct or operated a nuclear waste disposal facility in the State of Nebraska?

Our answer to this question is again essentially the same as our answer to question number 2 above. Since Section 70-627.01 is not a substantive statutory provision, its repeal would not directly impair any person's rights to license, construct or operate a nuclear waste disposal facility in Nebraska. If it is repealed, it could not longer be used as an aid in the construction of any ambiguous statutes pertaining to such rights, and its repeal could form the basis for arguing other constructions of ambiguous statutes in that area.

5. Does repeal of 70-627.01 affect, impair or remove the authority or ability of industry or medical/health care providers to use radioactive materials?

Since Section 70-627.01 is not a substantive statutory provision, its repeal would not directly affect or impair any authority or ability of industry or medical/health care providers to use radioactive materials. If it is repealed, it could no longer be used as an aid in the construction of any ambiguous statutes pertaining to such authority, and its repeal could form the basis for arguing other constructions of ambiguous statutes in that area.

6. If Section 1 of LB 120 is placed into law and 70-627.01 is not repealed, would the stated policy in 70-627.01 require that nuclear power be given greater consideration over other energy resources in the development of future energy supplies?

The bulk of Section 1 of LB 120 is a non-substantive public policy pronouncement concerning the development of efficient and less-polluting energy sources and the use of sustainable indigenous energy resources. Therefore, if Section 1 of LB 120 is placed into law and Section 70-627.01 is not repealed, there would simply be two statements of public policy concerning energy use and development available to aid in the construction of ambiguous statutes in that area. We see no language in Section 70-627.01 which would indicate a public policy to make nuclear energy the paramount energy resource in Nebraska. Moreover, statutes pertaining to the same subject matter are in pari materia, and must be construed together so as to give effect to every provision. Wahlers v. Frye, 205 Neb. 399, 288 N.W.2d 29 (1980). As a result, we do not believe that leaving Section 70-627.01

in the statutes together with LB 120 would require that nuclear power be given greater consideration over other energy resources.

7. At least one of the public power districts argues that legislative repeal of 70-627.01 would be regarded as a significant act by a Court and would endanger the millions of dollars public power has invested in its nuclear plants. It has further stated that this argument could be waged successfully in a lawsuit to shut down a nuclear power plant. Is it your opinion that a Court would consider legislative repeal of 70-627.01 a significant act that could be successfully argued as a basis to shut down a nuclear plant or any (sic) way impair a public power district's ability to carry out its statutory duties and authority regarding the development, operation and construction of its facilities?

Once again, we must point out that Section 70-627.01 is a non-substantive statement of public policy and legislative intent which may be used, where appropriate in the case of statutory ambiguity, as an aid in the construction of pertinent statutes. Since it is not a substantive enactment, its repeal, standing alone, could not be used as a basis to shut down a nuclear power plant. However, its repeal could be cited as a change in the State's public policy concerning nuclear power, which might be used in support of a certain construction of the statutes affecting nuclear power plants. In that very limited sense, its repeal could be said to affect a public power district's ability to carry out its statutory duties and authority regarding the development, operation and construction of its facilities.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-28-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 398	Monday, March 6, 1995	1:30 p.m.
LB 221	Monday, March 6, 1995	1:30 p.m.
LB 821	Monday, March 6, 1995	1:30 p.m.
LB 633	Monday, March 6, 1995	1:30 p.m.
LB 810	Monday, March 6, 1995	1:30 p.m.
LB 655	Monday, March 6, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

GENERAL FILE

LEGISLATIVE BILL 830. Mr. Chambers offered the following amendment:
FA41

Add new section:

"The City of Omaha, henceforth and forever, shall be called Micronesia".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 28:

Avery
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Landis
Lindsay
Pedersen
Preister
Robak
Robinson
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Present and not voting, 13:

Bromm
Coordsen
Cudaback
Dierks
Hall
Hudkins
Jones
Maurstad
Pirsch
Schellpeper
Schimek
Schmitt
Schrock

Excused and not voting, 7:

Abboud
Bernard-Stevens
Lynch
Matzke
McKenzie
Wickersham
Will

The Chambers amendment lost with 1 aye, 28 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 345. Placed on General File.
LEGISLATIVE BILL 488. Placed on General File.
LEGISLATIVE BILL 527. Placed on General File.
LEGISLATIVE BILL 693. Placed on General File.

LEGISLATIVE BILL 118. Placed on General File as amended.
Standing Committee amendment to LB 118:
AM0466

1. Insert the following new sections:

"Sec. 2. This act becomes operative on July 1, 1995.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 5, lines 11 through 15, strike the new matter and reinstate the stricken matter; and in line 15 before the period insert ", unless the penalty is being collected under subdivision (1)(i) of section 77-2703 by a county treasurer, a designated county official, or the Department of Motor Vehicles, in which case the penalty shall be five dollars".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 300. Placed on General File as amended.
Standing Committee amendment to LB 300:
AM0467

1. On page 2, line 23, after "deductions" insert "plus charitable deductions".

LEGISLATIVE BILL 574. Placed on General File as amended.
Standing Committee amendment to LB 574:
AM0291

1. On page 158, strike line 24 and show as stricken.

2. On page 212, line 27, after the last comma insert "86, 87,".

3. On page 213, line 7, strike "84-1311.01, 84-1311.02,"; and in line 18 strike "and 81-2027.02" and insert "81-2027.02, 84-1311.01, and 84-1311.02".

LEGISLATIVE BILL 596. Placed on General File as amended.
Standing Committee amendment to LB 596:
AM0272

1. On page 2, strike beginning with "provides" in line

25 through "taxes" in line 28 and insert "imposes a retaliatory tax and that does not grant on a reciprocal basis exemption from such retaliatory tax".

2. On page 3, strike beginning with "Retaliatory" in line 1 through line 8.

LEGISLATIVE BILL 208. Indefinitely postponed.
LEGISLATIVE BILL 227. Indefinitely postponed.
LEGISLATIVE BILL 248. Indefinitely postponed.
LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 276. Indefinitely postponed.
LEGISLATIVE BILL 287. Indefinitely postponed.
LEGISLATIVE BILL 413. Indefinitely postponed.
LEGISLATIVE BILL 503. Indefinitely postponed.
LEGISLATIVE BILL 549. Indefinitely postponed.
LEGISLATIVE BILL 724. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

The Legislative Program Evaluation Committee designates LB 450 and LB 886 as its priority bills.

MESSAGE FROM THE GOVERNOR

February 9, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Power Review Board.

Appointee:
Larry Schnase, P.O. Box 249, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:hb

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

AM0455

(Amendments to Final Reading copy)

1. On page 2, line 24, after "animal" insert ", except coyote,".

2. On page 4, strike beginning with the first "the" in line 6 through the second "trap" in line 7 and insert "the trap is marked in accordance with rules and regulations adopted and promulgated by the commission".

GENERAL FILE

LEGISLATIVE BILL 830. Mr. Wesely offered the following amendment:

AM0464

1. On page 41, line 1, after "terminates" insert "(1)"; and in line 3 after "date" insert ", or (2) on January 1, 2000. Any company that has qualified under the act prior to termination of the act shall continue benefits under the act after January 1, 2000".

Mr. Wesely withdrew his amendment.

Mr. Chambers offered the following amendment:

FA42

P. 12, line 11, strike "shall" and insert may.
line 15, after "shall", insert "if approved"

PRESIDENT ROBAK PRESIDING

The Chambers amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Coordsen renewed his pending amendment, AM0463, found in the Journal on page 780.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment to the pending Coordsen amendment:

FA43

Amend Senator Coordsen's Amendment to strike the words "Such notice shall be by certified mail" and insert the words "Such notice shall be deemed given if mailed by U.S. mail, postage prepaid, to the residents of such area and to those persons or entities receiving tax notices with respect to real estate located within the area."

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. HALL PRESIDING

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment to the pending Coordsen amendment:
FA44

In the Coordsen amendment as amended by the Bromm amendment, reinstate the requirement that notice be by means of certified mail.

Mrs. Hillman and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Beutler
Chambers
Coordsen
Cudaback
Hall
Jones
Landis
Maurstad
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Wesely

Voting in the negative, 22:

Abboud
Avery
Brashear
Bromm
Brown
Crosby
Engel
Fisher
Hartnett
Janssen
Jensen
Kristensen
Lindsay
McKenzie
Pirsch
Robinson
Schimek
Vrtiska
Warner
Wehrbein
Witek
Withem

Present and not voting, 6:

Bernard-Stevens
Bohlke
Dierks
Elmer
Hudkins
Robak

Excused and not voting, 7:

Day Lynch Pedersen Wickersham Will
Hillman Matzke

The Chambers amendment lost with 14 ayes, 22 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 231. Placed on General File as amended.
Standing Committee amendment to LB 231:
AM0434

1. Strike original section 1 and insert the following new section:

"Section 1. Section 25-21,239, Revised Statutes Supplement, 1994, is amended to read:

25-21,239. The owner of any ~~leased~~ truck, truck-tractor, whether with or without trailer, or trailer, leased for a period of less than thirty days or leased for any period of time and used for commercial purposes, shall be jointly and severally liable with the lessee and the operator thereof for any injury to or the death of any person or persons, or damage to or the destruction of any property resulting from the operation thereof in this state, except that the owner shall not be jointly and severally liable if there is in effect at the time the claim arises a valid insurance policy with coverage limits in the minimum amount of one million dollars per occurrence. The insurance must be available to compensate any person with a claim arising out of the operation or use of the leased truck, truck-tractor, or trailer. This section shall not limit or reduce the owner's liability for his or her own acts or omissions which cause damage to any person or property.".

LEGISLATIVE BILL 474. Placed on General File as amended.
Standing Committee amendment to LB 474:
AM0488

1. Insert the following new sections:

"Section 1. Section 43-290, Reissue Revised Statutes of Nebraska, is amended to read:

43-290. (1) It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

(2) Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the

court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

(3) At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay child support in an amount established in accordance with the guidelines provided by the Supreme Court pursuant to section 42-364.16. Child support orders issued under this section shall be governed by sections 42-347 to 42-379 and the filing provisions of subsection (3) of section 43-2,113. The court may also order and decree that the parent shall provide health insurance pursuant to subsection (2) of section 42-369.

(4) If the court determines that it would be unjust or inappropriate to order the parent to pay child support based on the guidelines provided by the Supreme Court pursuant to section 42-364.16, nothing in this section shall prohibit the court from deviating from such guidelines and entering an order or decree directing that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile.

(5) For purposes of subsections (3) and (4) of this section, the ~~, which amount ordered paid shall be the extent of the liability of the parent. The~~ court in making such order shall give due regard to the ~~cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay,~~ earning capacity of the parent and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support or sums thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

(6) Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of

the parent.

(7) If the parent willfully fails or refuses to ~~pay the sum ordered or to pay over any health care plan benefit sums received,~~ comply with an order or decree under subsections (3), (4), or (6) of this section, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile.

(8) The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

(9) If the juvenile has been committed to the care and custody of the Department of Social Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

(10) If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed.

(11) The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 2. Section 43-512.07, Reissue Revised Statutes of Nebraska, is amended to read:

43-512.07. (1) Any action, payment, aid, or assistance listed in subdivisions (a) through (c) of this subsection shall constitute an assignment by operation of law to the Department of Social Services of any right to spousal or medical support when ordered by the court and to child support whether or not ordered by the court which a recipient may have in his or her own behalf or on behalf of any other person for whom an applicant receives such payments, aid, or assistance, including any accrued arrearages as of the time of the assignment:

(a) Application for and acceptance of one or more aid to dependent children payments by a parent, another relative, or a custodian;

(b) Receipt of aid by or on behalf of any dependent child as defined in section 43-504; or

(c) Receipt of aid from child welfare funds.

The department shall be entitled to retain such child, spousal, or other support up to the amount of payments, aid, or assistance provided to a recipient. For purposes of this section, the right to receive current and past-due child support shall belong to the child and the assignment shall be effective as to any such support even if the recipient of the payments, aid, or assistance is not the same as the payee of court-ordered support.

(2) After notification of the clerk of the district court receiving the child, spousal, or other support payments made pursuant to a court order that the person for whom such support is ordered is a recipient of payments, aid, or assistance listed in subsection (1) of this section, the department shall also give notice to the payee named in the court order at his or her last-known address.

(3) Upon written or ~~other~~ computer system notification from the department ~~or from another state~~ of such assignment of child, spousal, or other support payments to the department or another state, the clerk of the district court shall transmit all the support payments received to the department or the other state as directed by the department without the requirement of a subsequent order by the court. The clerk of the district court shall continue to transmit the support payments for as long as the payments, aid, or assistance listed in subsection (1) of this section continues.

(4) Any court-ordered child, spousal, or other support remaining unpaid during the period of the assignment shall constitute a debt and a continuing assignment at the termination of payments, aid, or assistance listed in subsection (1) of this section, collectible by the department or other state as reimbursement for such payments, aid, or assistance. The continuing assignment shall only apply to support payments made during a calendar period which exceed the specific amount of support ordered for that period. When payments, aid, or assistance listed in subsection (1) of this section have ceased and upon notice by the department, ~~or the other state,~~ the clerk of the district court shall continue to transmit to the department or the other state any support payments received on arrearages in excess of the amount of support ordered for that specific calendar period until notified by the department ~~or the other state~~ that the debt has been paid in full, except that any amount of support arrearages that has accrued or accrues after termination of payments, aid, or assistance listed in subsection (1) of this section shall be paid first by the clerk to the person to whom support is due before any reimbursement is made to the department or the other state.

(5) An assignment of support to the department shall have priority over any other assignment of support payments received in excess of the amount of support payments ordered for that specific calendar period, and the clerk of the district court shall transmit to the department the support payments or a portion thereof as directed by the department.

(6) For assignments effective prior to the effective date of this act the clerk of the district court shall transmit the support payments to the department or the other state as directed by the department. The department may provide direction to the

clerk of the district court by a general notice covering all assignments arising pursuant to this section. In directing the clerk of the district court the department shall comply with the assignment and distribution requirements of Title IV-D of the federal Social Security Act, as amended.".

2. On page 4, line 18, after "Original" insert "sections 43-290 and 43-512.07, Reissue Revised Statutes of Nebraska, and"; and in line 19 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 859. Placed on General File as amended.
Standing Committee amendment to LB 859:
AM0487

1. On page 2, strike beginning with the period in line 4 through "provide" in line 5 and insert "for the exclusive purpose of providing"; in line 7 strike "also"; in line 11 after the first "to" insert "authorize and"; in line 13 strike "require" and insert "authorize"; and strike lines 20 and 21.

LEGISLATIVE BILL 879. Placed on General File as amended.
Standing Committee amendment to LB 879:
AM0485

1. Strike original section 2 and insert the following new sections:

"Sec. 2. No public funds shall be used to pay for any abortion not necessary to save the life of the mother, except that funds shall be used to pay for abortions in additional circumstances to the extent, and only to the extent, required by federal law as finally determined by a court of competent jurisdiction, with regard to which determination all judicial appeals have been exhausted, as a necessary condition of continued state participation in the federal medicaid program.

Sec. 3. Any taxpayer in this state or in any political subdivision shall have standing to bring suit in a court of proper jurisdiction to enforce the provisions of this act.".

LEGISLATIVE BILL 71. Indefinitely postponed.
LEGISLATIVE BILL 314. Indefinitely postponed.
LEGISLATIVE BILL 571. Indefinitely postponed.
LEGISLATIVE BILL 647. Indefinitely postponed.
LEGISLATIVE BILL 868. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Urban Affairs

LEGISLATIVE BILL 591. Indefinitely postponed.
LEGISLATIVE BILL 666. Indefinitely postponed.
LEGISLATIVE BILL 738. Indefinitely postponed.

LEGISLATIVE BILL 782. Indefinitely postponed.
LEGISLATIVE BILL 783. Indefinitely postponed.
LEGISLATIVE BILL 848. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 515. Placed on General File as amended.
Standing Committee amendment to LB 515:
AM0405

1. On page 2, line 1, strike "(1)"; strike beginning with "covering" in line 6 through the first "of" in line 7 and insert "for"; in line 8 before "under" insert "covering the liability to which each individual employer may be subject"; strike beginning with "if" in line 10 through "assignable" in line 21; and in line 26 strike "an insurance policy" and insert "insurance policies".

2. On page 3, line 1, after the period insert "If any policy provides for any deductible for any benefits payable under the Nebraska Workers' Compensation Act, it shall be in conformance with section 48-146.03. The insurer shall only enter into arrangements which allow it to report data compatible with the uniform classification system and uniform experience rating system required by subsection (1) of section 44-5028 and which allow for the application of experience rating by an advisory organization designated by the Director of Insurance pursuant to subsection (1) of section 44-5028."; strike lines 13 through 17; and in line 19 strike "7" and insert "8".

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Monday, March 13, 1995 1:30 p.m.
Nebraska Railway Council
Carl Larsen
Frank Landis
Gary Rasmussen
John Rebensdorf
Nebraska Motor Vehicle Industry Licensing Board
Michael O. Fleming
Mel Auch
Robert L. Spady
Robert McLaughlin

(Signed) Doug Kristensen, Chairperson

MOTION - Recess

Mr. Withem moved to recess until 6:00 p.m.

Mr. Chambers requested a record vote on the motion to recess.

Voting in the affirmative, 27:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Coordsen
Crosby
Dierks
Elmer
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Lindsay
McKenzie
Pirsch
Preister
Schimek
Stuhr
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 14:

Bromm
Brown
Cudaback
Engel
Jones
Kristensen
Landis
Maurstad
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska

Excused and not voting, 7:

Day
Hillman
Lynch
Matzke
Pedersen
Wickersham
Will

The motion to recess prevailed with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting, and at 12:02 p.m., the Legislature recessed until 6:00 p.m.

AFTER RECESS

The Legislature reconvened at 6:00 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Bromm, Hall, Kristensen, Landis, Preister, Schellpeper, Schrock, Wickersham, Mmes. Bohlke, Brown, Hudkins, McKenzie, Mses. Day, and Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 712. Placed on General File.

LEGISLATIVE BILL 428. Placed on General File as amended.
Standing Committee amendment to LB 428:
AM0461

1. Strike the original sections and insert the following sections:

"Section 1. Section 71-4608, Revised Statutes Supplement, 1994, is amended to read:

71-4608. (1) Any person who is in violation of any provision of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles regarding a used manufactured home or new or used multifamily manufactured home or recreational vehicle or who manufactures unless destined for sale outside the United States, sells, offers for sale, or leases in this state any used manufactured home or new or used multifamily manufactured home or recreational vehicle manufactured more than four months after May 27, 1975, which does not bear the federal manufactured-home label or the recreational-vehicle seal issued by the department or by a state which has been placed on the reciprocity list as required by the code shall be guilty of a Class I misdemeanor. Nothing in this section shall be construed to require a seal for any recreational vehicle manufactured in this state which is sold or leased outside this state.

(2) Any person who violates any of the provisions enumerated in this section or rules and regulations adopted and promulgated by the department relating to manufactured homes and recreational vehicles shall be liable for a civil penalty not to exceed one thousand dollars for each violation. Each such violation shall constitute a separate violation with respect to each manufactured home or recreational vehicle, except that the maximum penalty shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation. No person shall:

(a) Manufacture for sale, lease, sell, offer for sale or lease, or introduce, deliver, or import into this state any manufactured home or recreational vehicle which is manufactured on or after the effective date of any applicable departmental standard which does not comply with such standard;

(b) Fail or refuse to permit access to or copying of records, fail to make reports or provide information, or fail or refuse to permit entry or inspection as provided in section 71-4610;

(c) Fail to furnish notification to the purchaser of any manufactured home of any defect as required by 42 U.S.C. 5414 or to the purchaser of any recreational vehicle as provided in section

71-4616;

(d) Fail to issue a certification required by 42 U.S.C. 5415 or issue a certification to the effect that a manufactured home conforms to all applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Fail to establish and maintain such records, make such reports, and provide such information as the department may reasonably require to enable it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et seq., or the standards adopted by the department for recreational-vehicle construction or fail to permit, upon request of a person duly authorized by the department, inspection of appropriate books, papers, records, and documents relative to determining whether a manufacturer, distributor, or dealer has acted or is acting in compliance with the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et seq.; or

(f) Issue a certification pursuant to 42 U.S.C. 5403(a) if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect.

(3) Subdivision (2)(a) of this section shall not apply to the sale or the offer for sale of any manufactured home or recreational vehicle after the first purchase of it in good faith for purposes other than resale.

(4) Subdivision (2)(a) of this section shall not apply to any person who establishes that he or she did not have reason to know in the exercise of due care that such manufactured home or recreational vehicle was not in conformity with applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, or the standards adopted by the department for recreational-vehicle construction or any person who, prior to such first purchase, holds a certificate by the manufacturer or importer of such manufactured home or recreational vehicle to the effect that such manufactured home conforms to all applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, or that such recreational vehicle conforms to the standards adopted by the department for recreational-vehicle construction unless such person knows that such manufactured home or recreational vehicle does not so conform.

(5) Any person or officer, director, or agent of a corporation who willfully or knowingly violates subsection (2) of this section in any manner which threatens the health or safety of any purchaser shall be guilty of a Class I misdemeanor.

Sec. 2. Original section 77-4608, Revised Statutes Supplement, 1994, is repealed.".

LEGISLATIVE BILL 451. Placed on General File as amended.
Standing Committee amendment to LB 451:
AM0490

1. Strike original section 1 and insert the following new sections:

"Section 1. Section 71-1901, Revised Statutes Supplement, 1994, is amended to read:

71-1901. ~~As used in~~ For purposes of sections 71-1901 to 71-1905 and sections 6 to 8 of this act:

(1) Person shall include a partnership, limited liability company, firm, agency, association, or corporation;

(2) Child shall mean an unemancipated minor;

(3) ~~Child~~ Department shall mean the Department of Social Services;

(4) Foster care shall mean engaged in the ~~business~~ service of exercising twenty-four-hour daily care, supervision, custody, or control over children, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home. Foster care ~~but~~ shall not include casual care at irregular intervals or ~~early childhood~~ programs~~,~~ as defined in section 71-1910; and

~~(4) Department shall mean the Department of Social Services of the State of Nebraska~~

(5) Native American shall mean a person who is a member of an Indian tribe or eligible for membership in an Indian tribe.

Sec. 9. Section 71-1910, Revised Statutes Supplement, 1994, is amended to read:

71-1910. For purposes of sections 71-1908 to 71-1918, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Director shall mean the Director of Social Services; and

(3) Early childhood program or program shall mean the provision of services in lieu of parental supervision for children under thirteen years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored day care, family day care home, day care center, before-and-after-school day care program, before-and-after-school services pursuant to section 79-444, or preschool or nursery school but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to section 79-328, or ~~child~~ foster care as defined in section 71-1901.".

2. On page 2, line 21; and page 4, lines 8, 12, and 28;

strike "child", show as stricken, and insert "foster".

3. On page 4, lines 7 and 28, strike "business", show as stricken, and insert "service".

4. On page 5, lines 8 and 9, strike beginning with "carry" through "child", show as stricken, and insert "provide foster"; and in line 23 strike "Acts" and insert "Act".

5. On page 6, lines 17 and 18, strike "and 71-1903" and insert ", 71-1903, and 71-1910".

6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 703. Placed on General File as amended.
Standing Committee amendment to LB 703:
AM0491

1. On page 2, lines 26 through 28; and page 3, lines 1 through 3, reinstate the stricken matter.

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 210. Placed on General File as amended.
Standing Committee amendment to LB 210:
AM0518

1. On page 2, line 9, after "for" insert "manufacturing".

LEGISLATIVE BILL 430. Placed on General File as amended.
Standing Committee amendment to LB 430:
AM0517

1. Insert the following new section:

"Sec. 2. This act becomes operative on October 1, 1995.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 675. Placed on General File as amended.
Standing Committee amendment to LB 675:
AM0519

1. Insert the following new section:

"Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Jerome Warner, Chairperson

MESSAGE FROM THE GOVERNOR

February 21, 1995

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 7, 41, 59, 80, 82, 167, 169, and 186 were received in my office on February 15, 1995.

These bills were signed by me on February 21, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Introduced by Withem, 14; Lindsay, 9; Dierks, 40; Will, 8; Witek, 31; Preister, 5; Schrock, 38; Brashear, 4; Maurstad, 30; Brown, 6; Pirsch, 10; Jensen, 20; Abboud, 12; Hall, 7.

WHEREAS, Lewis W. Lehr, a native of Elgin and a graduate from the University of Nebraska, is a powerful leader in the business world. He is known for applying his Nebraska values and work ethic to his career with 3M as he worked his way up through the company. Lewis Lehr's Nebraska values and charismatic personality, which aided him in his business endeavors, are a few of the reasons Lewis Lehr is the recipient of the Wagon Master Award; and

WHEREAS, George Lundeen, a native of Holdrege, is an artist known around the world. He utilizes his experiences of growing up in Nebraska and captures the spirit and beauty of the state in many of his sculptures. George Lundeen's nature and talent make him the recipient of the Pioneer Award; and

WHEREAS, the Petersen family, natives of DeWitt, known for their successful business which develops tools for the needs of Nebraska farmers as well as many other industries. The Petersen family has contributed to Nebraska's economy for over fifty years. The vision and ingenuity of the Petersen family qualifies them to be the recipient of the Trailblazer Award; and

WHEREAS, the Knights of Ak-Sar-Ben is celebrating one hundred years of service to the State of Nebraska. Their deep commitment to building a more prosperous heartland where communities can flourish and every child can succeed is the basis for deserving special recognition on their centennial anniversary and continued success.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to all of the distinguished award recipients.

2. That a copy of this resolution be sent to the recipients.

Laid over.

LEGISLATIVE RESOLUTION 55. Introduced by Withem, 14; Schrock, 38; Abboud, 12; Witek, 31; Jensen, 20; Pirsch, 10; Preister, 5; Brashear, 4; Hall, 7; Lindsay, 9; Brown, 6.

WHEREAS, Tom Allan, who grew up in Oxford, Nebraska, is a very distinguished Nebraskan who has served the state in many capacities; and

WHEREAS, Mr. Allan has served as a roving reporter and photographer for the Omaha World-Herald for the past forty-seven years. During this time, he has traveled 50,000 to 60,000 miles each year in quest of human interest stories for the World-Herald; and

WHEREAS, Mr. Allan has received multiple awards for his excellence in journalism from many Nebraska colleges and has been inducted into the Nebraska Newspaper Hall of Fame. He has also received the Sigma Delta Chi Nebraska Journalist of the Year Award; and

WHEREAS, Mr. Allan has served his country and community with deep commitment. He served six years active duty in the United States Army and twenty-one years active and reserve duty as a Major in the Iowa-Nebraska National Guard 34th Red Bull Division. Mr. Allan has also been recognized for his work with the physically handicapped by receiving the Certificate of Merit from the National Association of Physically Handicapped; and

WHEREAS, Mr. Allan has also demonstrated a dedication to the State of Nebraska and a concern for smaller communities. His hometown of Oxford presented Mr. Allan with the Oxford Rotary Club Award for understanding and support of small towns in Nebraska; and

WHEREAS, Tom Allan will receive the state's highest award, the Distinguished NEBRASKAlander Award, on February 25, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to Tom Allan on his recognition through the Distinguished NEBRASKAlander Award.
2. That a copy of this resolution be given to Tom Allan.

Laid over.

LEGISLATIVE RESOLUTION 56. Introduced by Withem, 14; Beutler, 28; Hudkins, 21; Crosby, 29; Landis, 46; Wesely, 26; Schimek, 27; Warner, 25.

WHEREAS, David Murdock has contributed greatly to the State of Nebraska for the past twenty-five years and is regarded as a very distinguished political and financial leader and real estate developer; and

WHEREAS, Mr. Murdock owns the Cornhusker Hotel in Lincoln and donated space within the hotel and adjoining office building for the city to develop the Burnham Yates Conference Center; and

WHEREAS, Mr. Murdock has also been involved in Nebraska development through his ownership of Yankee Hill Brick & Tile of Lincoln, his development of the FirsTier Building in Lincoln, and his donation to the City of Lincoln of four and one-half miles of Rock Island Railroad right-of-way for a hiking trail; and

WHEREAS, Mr. Murdock is known nationally for his business accomplishments. He received a Juris Doctorate from Pepperdine University and degrees in Doctor of Humane Letters from both the University of Nebraska-Lincoln and Hawaii Loa College; and

WHEREAS, Mr. Murdock has also served as an influential political leader and has held many positions in national and statewide politics for President Reagan and President Bush; and

WHEREAS, David Murdock will receive the distinguished Nebraska Sower Award on February 25, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to David Murdock on his recognition through the Nebraska Sower Award.
2. That a copy of this resolution be given to David Murdock.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 830. The Coordsen pending amendment, as amended, AM0463, found in the Journal on page 780 and considered in this day's Journal, was renewed.

PRESIDENT ROBAK PRESIDING

Mr. Coordsen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Bernard-Stevens
Coordsen
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Janssen
Jones
Lynch
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wesely
Witek

Voting in the negative, 18:

Avery
Brashear
Brown
Chambers
Crosby
Hillman
Jensen
Kristensen
Lindsay
Matzke
Pedersen
Pirsch
Robinson
Vrtiska
Warner
Wehrbein
Will
Withem

Present and not voting, 2:

Beutler
Robak

Excused and not voting, 10:

Abboud
Bohlke
Bromm
Day
Hudkins
Landis
Maurstad
McKenzie
Preister
Wickersham

The Coordsen amendment lost with 19 ayes, 18 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA45
Page 12, line 13, strike the period and add:
"and if such area application is in the public interest."

The Chambers amendment was adopted with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Wickersham renewed his pending amendment, FA40, found in the Journal on page 780.

Mr. Withem requested a record vote on the Wickersham amendment.

Voting in the affirmative, 12:

Coordsen
Cudaback
Dierks
Elmer
Jones
McKenzie
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Wickersham

Voting in the negative, 17:

Brashear
Crosby
Day
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Matzke
Robinson
Schimek
Warner
Wehrbein
Will
Withem

Present and not voting, 14:

Avery

Bernard-Stevens	Bohlke	Engel	Pedersen	Wesely
	Brown	Hall	Pirsch	Witek
Beutler	Chambers	Lynch	Vrtiska	

Excused and not voting, 6:

Abboud	Hudkins	Landis	Maurstad	Preister
Bromm				

The Wickersham amendment lost with 12 ayes, 17 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following amendment:
FA46
Amend AM0363 by striking Sec. (10) on page 3 & renumber the remaining sections.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment to his pending amendment:
FA47
Amend the Hall amendment by re-instating the last sentence of subsection (10).

Mr. Hall withdrew his amendment.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bernard-Stevens	Chambers	Dierks	Jones	Wesely
	Coordsen	Hall	Schellpeper	Wickersham
Beutler	Cudaback	Hudkins	Schrock	

Voting in the negative, 23:

Bohlke	Engel	Jensen	Pedersen	Warner
Brashear	Fisher	Kristensen	Pirsch	Wehrbein
Brown	Hartnett	Lindsay	Schimek	Witek
Crosby	Hillman	Matzke	Vrtiska	Withem
Day	Janssen	McKenzie		

Present and not voting, 5:

Avery
Elmer
Lynch
Robak
Schmitt

Absent and not voting, 1:

Robinson

Excused and not voting, 7:

Abboud
Bromm
Landis
Maurstad
Preister
Stuhr
Will

The Hall amendment lost with 13 ayes, 23 nays, 5 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
FA48

Amend AM0363 by striking Sec. (11) on page 3 & renumber the remaining sections.

Mr. Hall withdrew his amendment.

Mr. Hall offered the following amendment:
FA49

Amend AM0363 by striking Section 2. of the amendment as found on pages 1, 2, 3 & 4 of the amendment.

Mr. Chambers offered the following amendment to the Hall pending amendment:
FA50

Amend Hall amendment by adding, "except subsection (5)".

Mr. Withem moved to invoke cloture on LB 830.

Mr. Withem moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Withem requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 33:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Robak

Robinson
Schimek
Schrock
Vrtiska
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 9:

Chambers
Coordsen
Dierks
Hall
Hudkins
Schellpeper
Schmitt
Wesely
Wickersham

Present and not voting, 1:

Jones

Excused and not voting, 6:

Abboud
Bromm
Landis
Maurstad
Preister
Stuhr

The Withem motion for cloture prevailed with 33 ayes, 9 nays, 1 present and not voting, and 6 excused and not voting.

The Chambers amendment to the Hall pending amendment lost with 5 ayes, 26 nays, 12 present and not voting, and 6 excused and not voting.

The Hall amendment lost with 16 ayes, 23 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 12 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

MOTION - Recess

Mr. Chambers moved to recess until 9:30 p.m.

Mr. Will requested a machine vote on the motion to recess.

The motion to recess lost with 4 ayes, 22 nays, 17 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 829. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0364, printed separately from the Journal and referred to on page 742, was considered.

Pending.

VISITORS

Visitors to the Chamber were Jim, Laurie, Marshal, Chelsea, and Autumn Hardy from Omaha; eighth grade students and teacher from Elkhorn Middle School; Matt Hasenauer from Wallace; Connie and Kennith Brand from Fremont; 24 eighth grade students and teacher from Cathedral of the Risen Christ School, Lincoln; and Curt Alexander from Dodge.

ADJOURNMENT

At 9:18 p.m., on a motion by Mr. Will, the Legislature adjourned until 8:30 a.m., Wednesday, February 22, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 22, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 1995

Pursuant to adjournment, the Legislature met at 8:31 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Tom Backer, Bethany Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Coordsen, Hall, Landis, Lindsay, Lynch, Preister, Schmitt, Schrock, Wehrbein, Will, Mmes. Brown, Hillman, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENT

Mr. Bernard-Stevens designates LR 26 as his priority resolution.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 701A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 701, Ninety-fourth Legislature, First Session, 1995.

GENERAL FILE

LEGISLATIVE BILL 829. The pending Standing Committee amendment, AM0364, printed separately from the Journal, referred to on page 742, and considered on page 816, was renewed.

Mrs. Bohlke requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA51
(All of AM0364 except Section 36 is on file in the Clerk's Office - Room 2018.)

Mr. Warner renewed his pending amendment, AM0426, found in the Journal on page 757, to the first Standing Committee amendment.

PRESIDENT ROBAK PRESIDING

The Warner amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the first Standing Committee amendment:
FA53
Amend FA51
1. to strike lines 5 on page 1 thru line 2 on page 2.
2. line 3 page 2 rename sec. 2

The Bernard-Stevens amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following amendment to the first Standing Committee amendment:
AM0538
(Amendments to Standing Committee amendments, AM0364)
1. On page 12, line 2, after "hundred" insert "at minimum wages of eleven dollars an hour, including the costs of health insurance coverage and other benefits".

Mr. Wesely withdrew his amendment.

The first Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 57. Introduced by Schmitt, 41.

WHEREAS, the Albion high school wrestling team won the Class C State Wrestling Championship; and

WHEREAS, the Albion high school wrestling team and Coach Dale Bonge deserve special recognition for the teamwork and discipline which they displayed throughout the season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Albion High School wrestling team and Coach Dale Bonge be congratulated for their exemplary effort this season and in the state high school wrestling tournament.
2. That a copy of this resolution be sent to Coach Dale Bonge and the Albion high school wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 58. Introduced by Schmitt, 41.

WHEREAS, the Greeley high school wrestling team won the Class D State Wrestling Championship; and

WHEREAS, the Greeley high school wrestling team and Coach Brian Laux deserve special recognition for the teamwork and discipline which they displayed throughout the season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Greeley high school wrestling team and individual champions John Paul Wood (106 pounds), Donny Nordhues (126 pounds), and Kenny Nordhues (134 pounds) be congratulated for their exemplary effort this season and in the state high school wrestling tournament.

2. That a copy of this resolution be sent to Coach Brian Laux and the Greeley high school wrestling team.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 199. Placed on General File.
LEGISLATIVE BILL 233. Placed on General File.
LEGISLATIVE BILL 285. Placed on General File.
LEGISLATIVE BILL 589. Placed on General File.
LEGISLATIVE BILL 729. Placed on General File.

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:
AM0535

1. On page 2, line 2, after the second comma insert "or" and strike ", or natural resources district"; in line 11 after the third comma insert "or" and strike the fourth comma; in line 12 strike "or natural resources district"; in line 24 after the second comma insert "or" and strike the third comma; and in line 25 strike "or natural resources district".

LEGISLATIVE BILL 337. Placed on General File as amended.
Standing Committee amendment to LB 337:
AM0365

1. On page 5, lines 11 and 12, reinstate the stricken matter; in line 12 strike "red"; and in line 22 strike "three months" and insert "one month".
2. On page 6, line 14, strike "five" and insert "ten"; and in line 17 after "confidential" insert "for five days after receipt by the sponsor. The Secretary of State shall then maintain the opinion as public information and as a part of the official record of the initiative".
3. On page 7, line 13, strike "three months" and insert "one month"; and in lines 21 through 28 strike the new matter and reinstate the stricken matter.
4. On page 8, lines 1 through 4, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 567. Placed on General File as amended.
Standing Committee amendment to LB 567:
AM0339

1. On page 5, line 24, strike "which is subject to section 39-1325.", show as stricken, and insert an underscored period.

LEGISLATIVE BILL 772. Placed on General File as amended.

Standing Committee amendment to LB 772:
AM0516

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, strike beginning with "A" in line 5 through line 24 and insert "A twelve-foot-wide strip of land for the maintenance of a sanitary sewer line, with appurtenances and accessories, being part of vacated 17th street, part of vacated 18th street, and part of Block 2, in Sunnyside Addition to the City of Wahoo, Saunders County, Nebraska, being described as follows: Commencing at the southeast corner of Block 1 of said Sunnyside Addition; thence N88° 21' 15" W (assumed bearing) on the south line of said Block 1, 125.65 feet to the true point of beginning; thence continuing N88° 21' 15" W on said south line, 12.00 feet; thence S00° 56' 40" W, 339.46 feet; thence S74° 21' 08" E, 148.70 feet to a point on the west line of Chestnut Street; thence N00° 00' 00" W on said west line, 12.46 feet; thence N74° 21' 08" W, 136.08 feet; thence N00° 56' 40" E, 330.05 feet to the true point of beginning.".

LEGISLATIVE RESOLUTION 6CA. Placed on General File as amended.
Standing Committee amendment to LR 6CA:
AM0475

1. On page 1, strike lines 7 through 17 and insert the following:

"To repeal Article III, sections 2 through 4, and to add new sections 1 through 7 to a new Article XVIII entitled "Initiatives and Referendums":

XVIII-1 "The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least eight percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition has been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-2 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least six percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-3 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XII of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

XVIII-4 "The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 1 through 3, of this Constitution. Article XVIII, sections 5 through 7, of this Constitution provide an alternative procedure for initiatives and referendums. If Article XVIII, sections 1 through 3, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 5 through 7, of this Constitution shall become effective and be given retroactive effect to the effective date of the 1996 constitutional amendment."

XVIII-5 "The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

XVIII-6 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

XVIII-7 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall not be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

"Article III, sections 2 through 4, of the Constitution of Nebraska are repealed.".".

2. Strike pages 2 through 5.

3. On page 6, strike lines 1 through 3; and strike beginning with "reduce" in line 7 through "petitions" in line 9 and

insert "change the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures and to provide for an alternative number of signatures needed if the Nebraska Supreme Court or the United States Supreme Court holds that Article XVIII, sections 1 through 3, are unconstitutional".

LEGISLATIVE BILL 117. Indefinitely postponed.
LEGISLATIVE BILL 380. Indefinitely postponed.
LEGISLATIVE BILL 408. Indefinitely postponed.
LEGISLATIVE BILL 453. Indefinitely postponed.

LEGISLATIVE RESOLUTION 22CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Urban Affairs

LEGISLATIVE BILL 346. Placed on General File as amended.
Standing Committee amendment to LB 346:
AM0508

1. On page 2, line 3, before "A" insert "(1)"; after line 18 insert the following new subsection:

"(2) The city council shall by ordinance adopt rules and regulations governing the removal or discipline of any police officer, including the chief of police. The ordinance shall include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the disciplinary action shall have the right at the hearing to be heard and to present evidence to the city council for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the city council shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the city council to act within thirty days or the failure of a majority of the elected council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.";

and in line 28 before "The" insert "(2)" and after "village" strike the comma.

2. On page 3, after line 15 insert the following new subsection:

"(3) The village board shall by ordinance adopt rules and regulations governing the removal or discipline of any police officer, including the village marshall. The ordinance shall include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the disciplinary action shall have the right at the hearing to be heard and to present evidence to the village board for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the village board shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the village board to act within thirty days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the village board shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.".

LEGISLATIVE BILL 469. Placed on General File as amended.
Standing Committee amendment to LB 469:
AM0510

1. Insert the following new sections:

"Section 1. Section 19-4601, Revised Statutes Supplement, 1994, is amended to read:

19-4601. Sections 19-4601 to 19-4623 and section 2 of this act shall be known and may be cited as the Municipal Natural Gas Regulation Act.

Sec. 2. Notwithstanding any other provision of law, the governing body of any municipality may deny or limit the request of a utility seeking the authority to erect, construct, or maintain facilities within the boundaries of the municipality necessary to provide natural gas service within the boundaries of the municipality if the municipality has already granted the authority to another utility and the denial or limitation is deemed by the governing body to be necessary in the interests of the health, safety, or economic well-being of the municipality and its inhabitants.

Sec. 3. Section 19-4610, Reissue Revised Statutes of Nebraska, is amended to read:

19-4610. (1) If a utility desires to change its rates for natural gas service within a municipality other than to reflect an adjustment for natural gas supply costs, the utility shall present to the municipality copies of present and proposed rate schedules, the monthly customer billing dates for the twelve months following the date of filing, and information supporting the proposed rates for natural gas service within the municipality as required by section 19-4611.

(2) The municipality may charge and collect a filing fee for a rate filing. Such fee shall not exceed: (a) For a city of the primary class, two thousand dollars; (b) for a city of the first class, one thousand dollars; (c) for a city of the second class, three hundred dollars; and (d) for a village, seventy-five dollars.

(3) Within forty-five days after the date of filing, a municipality may reject a rate filing only on the grounds that the information required by section 19-4611 has not been filed with the municipality. The utility shall be given at least seven days' prior written notice of any meeting to consider rejection of the utility's rate filing. Rejection shall be made by resolution of the municipality and shall state the reasons upon which the rejection is based. In the event of any such rejection, a copy of the written resolution shall be delivered to the utility within seven days after final action by the municipality. After receipt of the resolution, the utility shall have fifteen days to remedy the deficiencies stated in such resolution and the time periods under section 19-4607 shall not be suspended during such fifteen-day period. If the municipality has not received the information to cure the deficiencies within the fifteen-day period or within such additional period of time as may be agreed to by the utility and the municipality, the filing shall be deemed to be rejected and the utility shall be required to initiate a new rate filing.

(4) The utility may appeal from the decision of the municipality rejecting a rate filing. The appeal shall be to the district court.

(5) If a rate filing is rejected and the rejection is appealed, the utility may place the interim rates into effect pursuant to the time periods specified in section 19-4607, subject to refund, pending district court determination. If the utility appeals the rejection of the filing and if the court rules that the rejection was unreasonable, the times specified in section 19-4607 shall run from the date of filing.

Sec. 4. Section 19-4615, Reissue Revised Statutes of Nebraska, is amended to read:

19-4615. (1) Notice of filings for any rate increase under the Municipal Natural Gas Regulation Act shall be given within thirty days of filing by publication by placing a notice to the public of the proposed change in a newspaper having general circulation in the municipality, except that a utility may provide notice to the public by mailing such notice by United States mail, postage prepaid, to the billing address of each directly affected customer or by including the notice in such customer's bill in a conspicuous form. An affidavit signed by an official of a utility and describing the method of publication of the notice shall be filed with the office of the clerk of the municipality. The notice shall contain:

~~(1)~~ (a) The name and address of the utility;

~~(2)~~ (b) The dollar amount of the increase as it pertains to the typical residential customer;

~~(3)~~ (c) The percentage amount of the increase; and

~~(4)~~ (d) The name and address of the clerk of the municipality.

(2) No later than twenty days prior to the scheduled date of the area rate hearing provided for in section 19-4616, the utility shall inform affected utility customers of the hearing by mailing notice by United States mail, postage prepaid, to the billing address of each directly affected customer or by including the notice in such customer's bill in a conspicuous form. The notice shall contain a brief statement of the purpose of the hearing, the date, time, and place of the hearing or nearest videoconference site, and shall inform the customer of his or her right to attend the hearing and to appear, participate, and present testimony.".

2. On page 2, line 12, after the period insert "Not later than one hundred and twenty countable days following the date of the rate filing, the municipality shall set the date, time, and place of the area rate hearing and any sites for videoconference participation and shall inform the utility not less than fifteen days before the utility's next customer billing date which will occur at least twenty days before the area rate hearing.".

3. On page 3, line 10, after the period insert "If the municipalities and the utility reach an agreement upon any or all of the items at issue with regard to the filing by the utility, the terms of any agreement shall be presented in full at the hearing and the proposed findings of fact and conclusions of law presented to the hearing officer shall reflect the terms of the agreement. Customers of the utility attending the hearing shall be provided a full and complete opportunity to appear, participate, and present testimony at the hearing with regard to the agreement or any of its terms.".

4. On page 7, line 14, strike "section" and insert "sections 19-4610, 19-4615, and"; and in line 15 strike "section" and insert "sections 19-4601 and".

5. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

LEGISLATIVE BILL 376. Placed on General File.

LEGISLATIVE BILL 668. Placed on General File as amended.
Standing Committee amendment to LB 668:
AM0534

1. On page 2, line 26, reinstate the stricken "after April 9,"; and strike beginning with "to" in line 26 through "regulation" in line 28 and insert "1996".

LEGISLATIVE BILL 160. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 480	Wednesday, March 1, 1995	1:30 p.m.
LB 582	Wednesday, March 1, 1995	1:30 p.m.
LB 309	Wednesday, March 1, 1995	1:30 p.m.
LB 803	Wednesday, March 1, 1995	1:30 p.m.
LB 120	Thursday, March 2, 1995	1:30 p.m.
LB 289	Thursday, March 2, 1995	1:30 p.m.
LB 301	Thursday, March 2, 1995	1:30 p.m.
LB 329	Thursday, March 2, 1995	1:30 p.m.
LB 359	Thursday, March 2, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LB 719	Wednesday, March 1, 1995	1:30 p.m.
LB 653	Wednesday, March 1, 1995	1:30 p.m.
LR 10CA	Wednesday, March 1, 1995	1:30 p.m.
LR 11CA	Wednesday, March 1, 1995	1:30 p.m.
LB 443	Wednesday, March 1, 1995	1:30 p.m.
LB 649	Thursday, March 2, 1995	1:30 p.m.
LB 644	Thursday, March 2, 1995	1:30 p.m.

LR 36CA	Thursday, March 2, 1995	1:30 p.m.
LR 37CA	Thursday, March 2, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LB 51	Wednesday, March 1, 1995	1:30 p.m.
LB 244	Wednesday, March 1, 1995	1:30 p.m.
LB 312	Wednesday, March 1, 1995	1:30 p.m.
LB 367	Wednesday, March 1, 1995	1:30 p.m.
LB 458	Wednesday, March 1, 1995	1:30 p.m.
LB 471	Wednesday, March 1, 1995	1:30 p.m.
LB 487	Wednesday, March 1, 1995	1:30 p.m.
LB 498	Wednesday, March 1, 1995	1:30 p.m.
LB 510	Wednesday, March 1, 1995	1:30 p.m.
LB 569	Wednesday, March 1, 1995 (rescheduled)	1:30 p.m.
LB 602	Wednesday, March 1, 1995	1:30 p.m.
LB 641	Wednesday, March 1, 1995	1:30 p.m.
LB 660	Wednesday, March 1, 1995	1:30 p.m.
LB 661	Wednesday, March 1, 1995	1:30 p.m.
LB 164	Thursday, March 2, 1995	1:30 p.m.
LB 252	Thursday, March 2, 1995	1:30 p.m.
LB 597	Thursday, March 2, 1995	1:30 p.m.
LB 656	Thursday, March 2, 1995	1:30 p.m.
LR 19CA	Thursday, March 2, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 830. Placed on Select File as amended.
(E & R amendment, AM7047, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 829. The second Standing Committee amendment is as follows:
FA52

Sec. 36. For purposes of the Tax Equity and Educational Opportunities Support Act, no portion of the nonrefundable credit against income tax allowed under section 27 of this act to employees who are residents of the school district shall be distributed to school districts pursuant to section 79-3804.

District formula resources as described in sections 79-3808, 79-3810, and 79-3811 shall include twenty percent of the nonrefundable credit against income tax allowed under section 27 of this act to employees who are residents of the school district.

MRS. CROSBY PRESIDING

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The second Standing Committee amendment lost with 9 ayes, 20 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
AM0440

1. On page 11, line 26, strike the comma; and in line 27 after the first "in" insert "(a)".

2. On page 12, line 2, strike ", and the" and insert "or (b) the investment in qualified property of at least one hundred million dollars and the hiring of a number of new employees of at least two hundred fifty. The"; in lines 3 and 5 strike "will" and insert "shall"; and in line 5 after "filed" insert a comma.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 538. Placed on General File.

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendment to LB 283:
AM0486

1. On page 3, strike the new matter in lines 26 through 28.

2. On page 4, strike the new matter in lines 1 through 3; and in line 4 strike "(3)" and insert "(2)".

LEGISLATIVE BILL 524. Placed on General File as amended.
Standing Committee amendment to LB 524:
AM0457

1. On page 2, strike the new matter.

2. On page 3, line 24, after the period insert "However, any assignment pursuant to aubdivisions (1)(b) and (1)(c) of this section shall be limited to the amount of child support due for any months during which such payment, aid, or assistance was made.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 830 in the Journal. No objections. So ordered.

AM0556
(Amendments to the E & R Amendments, AM7047)

1. On page 11, line 24, after the period insert "The board shall publish notice of the public hearing for five business days in advance of the hearing in some legal newspaper of general circulation near the proposed designated area. The notice shall list the name of the city or joint entity that filed the application and the legal or other sufficient description of the area and shall state that the area is proposed to be designated as a blighted and substandard area under the Nebraska Redevelopment Act.".

2. On page 13, line 13, after the period insert "Not later than five calendar days before approving or disapproving the project application, the city or joint entity shall, by United States mail, postage prepaid, mail to the owners of real property described in the project application as being within the project area a written notice stating that the property owned by the person or persons is proposed to be included in the project area of a project under the Nebraska Redevelopment Act, that a project application has been filed with the city or joint entity, and where additional information may be obtained. The notice shall be sent to the owner or owners of the real property as their names appear and at the address indicated in the records of the county assessor for property tax purposes on the business day immediately prior to the date of the mailing. The city or joint entity may, but shall not be required to, send the notice by certified or registered United States mail. Substantial compliance with this notice requirement shall be deemed sufficient for all purposes of the act.".

RESOLUTION

LEGISLATIVE RESOLUTION 59. Introduced by Witek, 31.

WHEREAS, Mr. Theodore Nugent has graciously given much of his time to accurately articulate the balanced views for our constitutional rights and has been a true friend to sportsmen and sportswomen here in Nebraska; and

WHEREAS, Mr. Steven Brown has supported this effort and allowed much of his air time to spread the "sane word" for hunting, conservation, and sportsmanship; and

WHEREAS, sportsmen and sportswomen from all across Nebraska will be gathering this week at the Omaha Civic Auditorium to attend the Omaha Sports and Travel Show and learn, teach, and support safe and legal gun ownership, conservation of habitat, and many other outdoor sports opportunities we enjoy here in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares February 21-26 as the official "Nebraskans and Nugent Celebrate Outdoor Sports Week".

Laid over.

GENERAL FILE

LEGISLATIVE BILL 828. Title read. Considered.

Standing Committee amendment, AM0385, found in the Journal on page 748, was considered.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
FA54

Amend AM0385

Strike line 3 after semi-colon all of line 4 and July 1, 1995 on line 5

Pending.

STANDING COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 508. Placed on General File.

LEGISLATIVE BILL 509. Placed on General File as amended.
Standing Committee amendment to LB 509:
AM0482

1. On page 6, line 24, after "attorney" insert "or the Attorney General"; in line 26 strike "county" and after "audited" insert "and the federal agencies who have made grants to public entities who are being audited"; and in line 27 after "the" insert

"relevant".

2. On page 7, line 3, after the period insert "The Auditor of Public Accounts may make the working papers available for purposes of an external quality control review as required by generally accepted government auditing standards. However, any reports made from such external quality control review shall not make public any information which would be considered confidential under this section when in the possession of the Auditor of Public Accounts.".

(Signed) Timothy J. Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

FA55

Strike Sec. 2 of the Committee Amendments

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Kevin L. Kelley - Nebraska Dry Bean Commission
Craig L. Maas - Nebraska Dry Bean Commission
Clifford J. Walker - Nebraska Dry Bean Commission

VOTE: Aye: Senators Cudaback, Dierks, Hudkins, Schellpeper, Schmitt, and Vrtiska. Nay: None. Absent: Senators Chambers and Elmer.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 828, LB 829, and LB 830. No objections. So ordered.

RECESS

At 12:00 noon, on a motion by Speaker Withem, the Legislature recessed until 5:30 p.m.

AFTER RECESS

The Legislature reconvened at 5:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hudkins, Robak, Stuhr, Witek, Messrs. Chambers, Engel, Fisher, Hall, Pedersen, Schmitt, Schrock, Vrtiska, Will, Mses. Day, and Schimek who were excused until they arrive.

MRS. CROSBY PRESIDING

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 829. Placed on Select File as amended.
(E & R amendment, AM7048, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 710. Placed on General File.

LEGISLATIVE BILL 368. Placed on General File as amended.
(Standing Committee amendment, AM0541, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

SELECT FILE

LEGISLATIVE BILL 830. E & R amendment, AM7047, printed separately from the Journal and referred to on page 831, was adopted.

Mr. Coordsen renewed his pending amendment, AM0556, found in the Journal on page 833.

Mr. Chambers and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment:

AM0594

(Amendments to E & R Amendments, AM7047)

1. Strike section 33 and insert the following new section:

"Sec. 33. The Nebraska Redevelopment Act terminates on February 1, 2000, except that for all area applications, all project applications, and all project agreements approved or entered into before such date, the provisions of the act shall continue in full force and effect without regard to this section and, as to such applications and agreements, the act shall not terminate except in the normal course under the provisions of the act.".

Messrs. Robinson and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM0539

(Amendments to Standing Committee amendments, AM0363)

1. On page 15, line 23, after "hundred" insert "at minimum wages of eleven dollars an hour, including the costs of health insurance coverage and other benefits".

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 4:

Preister
Schimek
Stuhr
Wesely

Voting in the negative, 12:

Brown
Elmer
Engel
Hartnett
Jensen
Maurstad
McKenzie
Pirsch
Warner
Wehrbein
Witek
Withem

Present and not voting, 23:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Hillman
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Schellpeper
Schmitt
Schrock
Wickersham

Excused and not voting, 10:

Bernard-Stevens
Chambers
Fisher
Hall
Hudkins
Pedersen
Robak
Robinson
Vrtiska
Will

The Wesely amendment lost with 4 ayes, 12 nays, 23 present and not voting, and 10 excused and not voting.

Mr. Jones offered the following amendment:
AM0587

(Amendments to E & R Amendments, AM7047)

1. On page 5, line 9, after "cities" insert "of the metropolitan or primary classes, up to six miles outside the area of operation of a city or cities of the first class, and up to three miles outside the area of operation of a city or cities of the second class or village or villages".

2. On page 10, strike beginning with "such" in line 25 through "entity" in line 26 and insert "an applying city of the metropolitan or primary class or joint entity, up to six miles outside the area of operation of an applying city of the first class or joint entity, and up to three miles outside the area of operation of an applying city of the second class or village or joint entity".

PRESIDENT ROBAK PRESIDING

The Jones amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Dierks offered the following amendment:
AM0569

(Amendments to E & R amendments, AM7047)

1. On page 14, after line 4, insert the following new subdivision:

"(c) A statement describing in detail the impact of the company's business on the environment, including use and consumption of ground water and surface water, any releases of residue into the air, water, or soil, and the company's waste disposal practices;"; in line 5, strike "(c)" and insert "(d)"; and in line 6 strike "(d)" and insert "(e)"; in line 11 strike "(e)" and insert "(f)"; in line 13 strike "(f)" and insert "(g)"; and in line 15 strike "(g)" and insert "(h)".

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Bromm
Chambers
Coordsen
Cudaback
Dierks
Hall
Janssen
Jensen
Jones
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schmitt
Stuhr
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 21:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Engel
Fisher
Hartnett
Hillman
Kristensen
Landis
Lindsay
Lynch
Matzke
Schimek
Warner
Withem

Present and not voting, 1:

Schrock

Absent and not voting, 1:

Pirsch

Excused and not voting, 6:

Elmer
Hudkins
Pedersen
Robinson
Vrtiska
Will

The Dierks amendment lost with 20 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham offered the following amendment:
FA56
On Pg 21, line 4, strike the words "eminent domain"

Messrs. Landis and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 3 nays, and 31 not voting.

Messrs. Schrock and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Abboud
Avery
Bohlke
Bromm
Brown
Crosby
Cudaback
Day
Engel
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Robinson
Schmitt
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 11:

Bernard-Stevens
Brashear
Chambers
Coordsen
Fisher
Hall
Jones
Schellpeper
Schimek
Wesely
Wickersham

Present and not voting, 6:

Beutler
Dierks
Preister
Robak
Stuhr
Vrtiska

Excused and not voting, 5:

Elmer
Hudkins
Landis
Pedersen
Schrock

The motion to cease debate prevailed with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Bernard-Stevens
Beutler
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hall
Jones
Lynch
McKenzie
Preister
Robak
Schellpeper
Schimek
Schmitt
Stuhr
Wesely
Wickersham

Voting in the negative, 22:

Abboud
Avery
Brashear
Brown
Crosby
Day
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Matzke
Maurstad
Pirsch
Robinson
Warner
Will
Witek
Withem

Present and not voting, 2:

Vrtiska
Wehrbein

Excused and not voting, 5:

Elmer
Hudkins
Landis
Pedersen
Schrock

The Wickersham amendment lost with 20 ayes, 22 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 365. Placed on General File.
LEGISLATIVE BILL 382. Placed on General File.
LEGISLATIVE BILL 504. Placed on General File.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM0565

(Amendments to E & R Amendments, AM7048)

1. On page 5, line 23, after "agreement" insert "at minimum wages of eleven dollars an hour, including the costs of health insurance coverage and other benefits".

2. On page 6, lines 13 and 16, after "employees" insert

"receiving minimum wages of eleven dollars an hour, including the costs of health insurance coverage and other benefits".

ANNOUNCEMENT

Mrs. McKenzie designates LB 377 as her priority bill.

SELECT FILE

LEGISLATIVE BILL 830. Mr. Chambers offered the following amendment:
FA57

Amend AM7047

Page 12, line 19, strike "thirty-six" and insert "eighteen"; strike the period and add: "provided that at the time of any project application being submitted, the project area continues to fit within the definition of blighted and substandard relied on in making the original designation"

In the Coordsen Amendment (AM0556) P. 1, line 18, after "entity," insert "the date, time and location of the public hearing"

Messrs. Cudaback, Schmitt, Abboud, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schellpeper and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment:
FA58

Pg 12 of AM7047 strike sec (8), on lines 20 through 26 and on pg 17, strike subsection (7) on lines 3 through 7.

Mr. Preister and Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

Messrs. Jones and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment lost with 7 ayes, 14 nays, 14 present and not voting, and 14 excused and not voting.

Mr. Withem offered the following amendment:
AM0595

(Amendments to E & R amendments, AM7047)

1. On page 13, line 12, after "operation" insert "or the area within three miles thereof"; in line 18 after "if" insert

"(a)"; in line 19 strike "city or"; and in line 20 strike "or" and insert ", (b) the governing body of a city whose area of operation and the area within three miles thereof includes in whole or part the project area, or (c)".

2. On page 20, line 27, after "law" insert "unless specifically limited in the act".

3. On page 21, line 7, after "project" insert ", except that the power of eminent domain may be exercised only against nonpublic entities and individuals".

4. On page 24, strike beginning with "the" in line 10 through "utility" in line 14 and insert "the provisions of section 70-1008 shall apply to the annexation of any contiguous land by the contracting public body, but the annexation of any noncontiguous land undertaken pursuant to the act by a contracting public body shall not result in any change to the service area of any electric utility without the express agreement of the electric utility serving the annexed noncontiguous area at the time of annexation, except that at such time following the annexation of the noncontiguous area as the contracting public body lawfully annexes sufficient intervening territory so a to directly connect the noncontiguous area to the main body of the contracting public body, such noncontiguous area shall, solely for the purposes of section 70-1008, be treated as if it had been annexed by the contracting public body on the date upon which the connecting intervening territory had been formally annexed".

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Withem offered the following amendment:
AM0596

(Amendments to E & R Amendments, AM7047)

1. Strike section 2 and insert the following new section:

"Sec. 2. The Legislature finds and declares the following facts and purposes of the Nebraska Redevelopment Act:

(1) It is the policy of this state to make revisions in its statutory structure if this will encourage both new and existing businesses to relocate to and expand in Nebraska and to provide appropriate inducements to encourage them to do so if this will aid in the economic and population growth of the state and help create better jobs for the citizens of the State of Nebraska and if this can be done in a fiscally sound and effective manner;

(2) The prevention and elimination of blighted and substandard areas is a matter of state public policy and public interest;

(3) There exists in and around certain cities of this state areas which are blighted and substandard due to a lack of sufficient economic activity, public and private infrastructure, job growth, wage levels, population growth, low-income and moderate-income housing, business expansion, and new construction;

(4) Such conditions have prevented economic and population growth in certain areas and are beyond remedy solely by the normal regulatory process and the ordinary operations of private enterprise; and

(5) The elimination of such conditions through the rehabilitation, acquisition, and redevelopment of such areas, and the application of ad valorem taxes on new investment in such areas, as provided in the act, are public uses and public purposes which the Legislature intends that the act will help accomplish.".

Mr. Chambers offered the following amendment to the Withem pending amendment:
FA59
Amend AM0596
Strike subsections (1), (3), (4), (5)

Pending.

MOTION - Adjournment

Mr. Hall moved to adjourn until 8:30 a.m., Thursday, February 23, 1995. The motion lost with 7 ayes, 15 nays, 17 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 830. The Chambers pending amendment, FA59, to the Withem pending amendment, AM0596, found in this day's Journal, was renewed.

MRS. CROSBY PRESIDING

Mr. Chambers withdrew his amendment.

The Withem amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Kristensen offered the following amendment:
AM0599
(Amendments to E & R Amendments, AM7047)

1. Strike section 33 and all amendments thereto and insert the following new section:

"Sec. 33. There shall be no area applications or project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all area applications, all project applications, and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.".

2. Strike AM0594.

Mr. Wesely offered the following amendment to the Kristensen pending amendment:
FA60
Amend the Kristensen amendment:
to delete lines 1 & 2 & have the new language added to line 5 of AM7047 LB830

The Wesely amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Kristensen amendment, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Withem moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3 and vote on the advancement of LB 830 without further amendment or debate.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM0598

(Amendments to E & R amendments, AM7048)

1. Strike section 35 and insert the following new section:

"Sec. 35. The Quality Jobs Act terminates on February 1, 2000, except that for all project applications and all project agreements approved or entered into before such date, the provisions of the act shall continue in full force and effect without regard to this section and, as to such applications and agreements, the act shall not terminate except in the normal course under the provisions of the act.".

MOTION - Adjournment

Mr. Will moved to adjourn until Thursday, February 23, 1995, at 9:00 a.m.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 5:

Beutler
Landis
Lynch
Wesely
Will

Voting in the negative, 30:

Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hillman
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Pirsch
Robinson
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 7:

Avery
Crosby
Hartnett
Maurstad
Robak
Schimek
Withem

Excused and not voting, 7:

Abboud
Hudkins
McKenzie
Pedersen
Preister
Schellpeper
Stuhr

The motion to adjourn lost with 5 ayes, 30 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 830. The Withem pending motion to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3 and vote on the advancement of LB 830 without further amendment or debate was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Brown
Crosby
Day
Elmer
Fisher
Hartnett
Hillman
Janssen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pirsch
Robinson
Vrtiska
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 7:

Chambers
Dierks
Engel
Hall
Landis
Schmitt
Wickersham

Present and not voting, 14:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Jensen
Jones
Robak
Schimek
Schrock
Wesely

Excused and not voting, 7:

Abboud
Hudkins
McKenzie
Pedersen
Preister
Schellpeper
Stuhr

The motion to cease debate lost with 21 ayes, 7 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Withem motion to suspend the rules.

Voting in the affirmative, 31:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Brown
Crosby
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Robak
Robinson
Schimek
Vrtiska
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 12:

Beutler
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hall
Jones
Landis
Schmitt
Wesely
Wickersham

Present and not voting, 1:

Schrock

Excused and not voting, 5:

Hudkins
Pedersen
Preister
Schellpeper
Stuhr

The Withem motion to suspend the rules prevailed with 31 ayes, 12 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM0600

(Amendments to E & R amendments, AM7048)

1. On page 16, line 21, after the period insert "There shall be no project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all project applications and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.".

EASE

The Legislature was at ease from 11:33 p.m. until 11:37 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 830.

Enrollment and Review Change to LB 830

The following changes, required to be reported for publication in the Journal, have been made:
ER9014

1. In the Withem amendment, AM0595, on page 1, line 22, "a" has been struck and "as" inserted.
2. In the Chambers amendment, FA57, on page 1, "time and location of the public hearing" has been struck and "time, and location of the public hearing," inserted.
3. In the Jones amendment, AM0587, on page 1, line 2, "classes" has been struck and "class" inserted; and in lines 2, 4, 9, and 10, "of" has been inserted after "outside".
4. In the E & R amendments, AM7047, on page 12, line 10, "the" has been inserted after the second "of".

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were Shannon Ridgley from Lincoln; Joe and Laura Hewgley from North Platte; Ray Rubesh from St. Paul; 70 sixth grade students and teachers from West Lincoln Elementary School; Gene and Amy Atkinson from Papillion and Yoko Murakami from Tokyo, Japan; and Marsha Hecox from Gothenburg.

ADJOURNMENT

At 11:37 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 23, 1995

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 23, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Rejoice in the Lord Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Brashear, Bromm, Hall, Hartnett, Kristensen, Landis, Lindsay, Lynch, Pedersen, Wickersham, Will, Mmes. Bohlke, McKenzie, Pirsch, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 330. Placed on General File.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 823	Wednesday, March 8, 1995	1:30 p.m.
LB 506	Wednesday, March 8, 1995	1:30 p.m.
LB 511	Wednesday, March 8, 1995	1:30 p.m.
LB 341	Wednesday, March 8, 1995	1:30 p.m.
LB 416	Wednesday, March 8, 1995	1:30 p.m.

LB 375	Thursday, March 9, 1995	1:30 p.m.
LB 573	Thursday, March 9, 1995	1:30 p.m.
LB 789	Thursday, March 9, 1995	1:30 p.m.
LB 180	Friday, March 10, 1995	1:30 p.m.
LB 286	Friday, March 10, 1995	1:30 p.m.
LB 798	Friday, March 10, 1995	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Read. Considered.

LEGISLATIVE RESOLUTION 55. Read. Considered.

LEGISLATIVE RESOLUTION 56. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 54, 55, and 56 were adopted with 19 ayes, 0 nays, and 30 not voting.

GENERAL FILE

LEGISLATIVE BILL 828. The Maurstad pending amendment, FA54, found in the Journal on page 834, to the pending Standing Committee amendment, was renewed.

The Maurstad amendment lost with 4 ayes, 14 nays, 21 present and not voting, and 10 excused and not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment:
FA61
P. 2, line 21 after "exceed" strike "five" and insert "fifteen"

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

MOTION - Withdraw LB 768

Mr. Schellpeper moved to withdraw LB 768.

Laid over.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dale Tinstman - Research and Development Authority

VOTE: Aye: Senators Landis, Fisher, Bromm, Jensen, Lindsay, Robak, Wesely, and Witek. Nay: None. Absent: None.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM0562

1. Strike original section 17 and insert the following new section:

"Sec. 17. Section 9-323, Reissue Revised Statutes of Nebraska, is amended to read:

9-323. (1) The Tax Commissioner may suspend any license issued pursuant to the Nebraska Pickle Card Lottery Act except a license issued pursuant to section 9-326, except that no order to suspend any license shall be issued unless the department determines that the licensee is not operating in accordance with the purposes and intent of the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or any rules or regulations adopted and promulgated pursuant to such acts. ~~act.~~ The Tax Commissioner may suspend a license issued pursuant to section 9-326 after a hearing upon a finding by the department that the licensee is not operating in accordance with the purposes and intent of such acts. ~~the act.~~

(2) Before any license is suspended prior to a hearing, notice of an order to suspend a license shall be mailed to or personally served upon the licensee at least fifteen days before the order of suspension takes effect.

(3) The order of suspension may be withdrawn if the licensee provides the department with evidence that any prior findings or violations have been corrected and that the licensee is

now in full compliance, ~~with the act,~~ whether before or after the effective date of the order of suspension.

(4) The Tax Commissioner may issue an order of suspension pursuant to subsections (1) and (2) of this section when an action for suspension, cancellation, or revocation is pending. The Tax Commissioner may also issue an order of suspension after a hearing for a limited time of up to one year without an action for cancellation or revocation pending.

(5) The hearing for suspension, cancellation, or revocation of the license shall be held within twenty days ~~of~~ after the date the suspension takes effect. A request by the licensee to hold the hearing after the end of the twenty-day period shall extend the suspension until the hearing.

(6) The decision of the department shall be made within twenty days ~~of~~ after the conclusion of the hearing. The suspension shall continue in effect until the decision is issued. If the decision is that an order of suspension, revocation, or cancellation is not appropriate, the suspension shall terminate immediately by order of the Tax Commissioner. If the decision is an order for the suspension, revocation, or cancellation of the license, the suspension shall continue pending an appeal of the decision of the department.

(7) Any period of suspension prior to the issuance of an order of suspension issued by the Tax Commissioner shall count toward the total amount of time a licensee shall be suspended from gaming activities under the Nebraska Pickle Card Lottery Act. Any period of suspension prior to the issuance of an order of cancellation shall not reduce the period of the cancellation. Any period of suspension after the issuance of the order and during an appeal shall be counted as a part of the period of cancellation.".

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 178. Placed on General File as amended.
Standing Committee amendment to LB 178:
AM0410

1. On page 2, line 19, after the comma insert "or for".

2. On page 3, line 7, after "means" insert "the assets and liabilities of"; in line 19 after "designee" insert a comma; and in line 24 strike "established" and insert "promulgated".

3. On page 4, line 8, strike "duly adopted" and insert ", duly promulgated"; and in line 9 after "Compact" insert a comma.

4. On page 5, line 3, after "shall" insert "have the force and effect of statutory law and shall"; in line 6 strike "prescribe" and insert "promulgate"; in lines 12 and 17 strike the second comma and insert a comma after the second "in"; and in line 23 strike the comma and insert a semicolon.

5. On page 6, lines 2 and 10, strike the last comma and

insert a semicolon; and strike line 11.

6. On page 7, line 2, strike the comma; in line 5 after "jurisdictions" insert a comma; and in line 25 after "qualified" insert "to serve in such capacity".

7. On page 8, line 4, strike "adopt" and insert "prescribe"; and in line 8 after "procedures" insert a colon.

8. On page 9, line 7, after "necessary" insert "costs and"; in line 20 after "Immunity" insert ", Defense"; in line 26 strike "the defendant" and insert "such person"; in line 27 strike the comma; and in line 28 after "provided" insert a comma and after "that" strike the comma.

9. On page 10, line 9, strike "or any counterclaim"; and after line 28 insert the following new subsection:

"4. The costs and expenses of defense and indemnification of the Commission acting as Receiver of an Estate shall be paid as administrative expenses from the assets of that Estate unless such costs and expenses are covered by insurance maintained by the Commission.".

10. On page 11, line 15, strike "telecommunications" and insert "telecommunication"; and in line 25 strike "adopting" and insert "promulgating such".

11. On page 12, line 1, strike "establish" and insert "promulgate"; in line 9 strike ", and recorded"; in line 10 strike "issue" and insert "promulgate"; and in line 12 after "552(b)" insert ", as may be amended".

12. On page 13, line 2, after the second "of" insert a comma; in line 25 after "Rules" insert a colon; and in line 27 strike "and" and insert "or".

13. On page 14, line 7, strike "P.L. 87-554" and insert "5 U.S.C.S. section 551 et seq."; in lines 7 and 8 strike "P.L. 92-463" and insert 5 U.S.C.S. app. 2, section 1 et seq."; in line 22 after "provided" insert a comma and after "that" strike the comma; in line 25 after "year" insert "after such Rule is promulgated"; and in line 28 strike "all" and insert "any".

14. On page 15, line 2, after "shall" insert a colon and after "rulemaking" insert a comma; in line 20 after "Receiverships" insert "in Compacting States"; and in line 28 after "grounds" insert "exist".

15. On page 16, line 1, strike "a multi-state Insurer" and insert "an Insurer doing business in more than one State"; in line 8 strike "establish" and insert "promulgate"; and in lines 19 and 22 after "provided" insert a comma and after "that" strike the comma.

16. On page 18, line 6, strike "as Receiver"; and strike lines 9 through 12 and insert the following new subdivision:

"c. The Commission shall cause an annual audit of each Estate for which it is acting as Receiver to be conducted by an independent certified public accountant. The costs and expenses of such audit shall be paid as administrative expenses from the assets of the Estate. The Commission shall not cause an annual audit to be conducted of any Estate which lacks sufficient assets to conduct such audit.".

17. On page 19, line 21, after the second "the" insert "costs and"; in line 24 after "necessary" insert "costs and"; and in line 28 after "State" insert ", and writing direct insurance,".

18. On page 20, lines 10, 11, 15, and 16, before "premium" insert "gross direct written"; in line 20 strike ", provided that," and insert "; provided, that"; and in line 27 after "costs" insert "and expenses".

19. On page 21, line 25, strike "agree to" and insert "make".

20. On page 22, line 3, strike "an" and insert "a one time" and after "doing" insert "a direct insurance".

21. On page 24, lines 8 and 12, strike "that," and insert ", that"; in line 13 strike "as to" and insert "for"; and in line 18 strike "withdrawing" and insert "Withdrawing".

22. On page 25, lines 1 and 4, after "costs" insert "and expenses"; and in line 14 strike "duly-adopted" and insert "duly promulgated".

23. On page 26, line 8, strike "as to" and insert "for"; and in line 13 after "costs" insert "and expenses".

24. On page 27, line 19, strike "adopted" and insert "promulgated".

LEGISLATIVE BILL 846. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 828. The Hall pending amendment, FA61, found in this day's Journal, was renewed.

MR. LINDSAY PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Hall

Voting in the negative, 32:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers

Crosby
Day
Elmer
Engel
Fisher
Hillman
Hudkins
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schimek
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Present and not voting, 13:

Coordsen
Cudaback
Dierks
Hartnett
Janssen
Lynch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wickersham

Excused and not voting, 3:

Abboud
Landis
Will

The Hall amendment lost with 1 aye, 32 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Kristensen, Preister, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA62
P. 2, line 26, add: "In no case shall such charges be less than the cost of supplying such services.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Dierks and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 829. E & R amendment, AM7048, printed separately from the Journal and referred to on page 836, was adopted.

Mr. Wesely renewed his pending amendment, AM0600, found in the Journal on page 848.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Hall withdrew his amendment, FA55, found in the Journal on page 835.

Mr. Wesely renewed his pending amendment, AM0565, found in the Journal on page 841.

Mr. Lynch, Mmes. Stuhr, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 619. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LR 54 and LR 55. No objections. So ordered.

ANNOUNCEMENT

Mrs. Robak designates LB 752 as her priority bill.

VISITORS

Visitors to the Chamber were seven Pack 36 Cub Scouts and leader from Kearney; eight students and sponsors from Sidney Public Schools; members of the Chamber of Commerce from Aurora; and 24 eighth grade students and teacher from Cathedral of the Risen Christ School, Lincoln.

RECESS

At 11:54 a.m., on a motion by Mr. Wehrbein, the Legislature recessed until 5:30 p.m.

AFTER RECESS

The Legislature reconvened at 5:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Brashear, Coordsen, Cudaback, Dierks, Elmer, Janssen, Jones, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska, Wickersham, Will, Mmes. Bohlke, McKenzie, Stuhr, and Witek who were excused until they arrive.

MR. LANDIS PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 828. Placed on Select File as amended.
E & R amendment to LB 828:
AM7049

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 70-655, Reissue Revised Statutes of Nebraska, is amended to read:

70-655. ~~The~~ (1) Except as provided in subsection (2) of this section, the board of directors of any district organized under or subject to Chapter 70, article 6, shall have the power and be required to fix, establish, and collect adequate rates, tolls, rents, and other charges for electrical energy, water service, water storage, and for any and all other commodities, including ethanol, services, or facilities sold, furnished, or supplied by the district, which rates, tolls, rents, and charges shall be fair, reasonable, nondiscriminatory, and so adjusted as in a fair and equitable manner to confer upon and distribute among the users and consumers of commodities and services furnished or sold by the district the benefits of a successful and profitable operation and conduct of the business of the district.

(2) In order to help stimulate economic development, the board of directors of a district may, but shall not be required to, negotiate, fix, establish, and collect rates, tolls, rents, and other charges different from those of other users and consumers for electrical energy and associated services or facilities. The different rates, tolls, rents, and other charges would be effective for a period not to exceed five years, for services, commodities, and facilities sold, furnished, or supplied to or for the benefit of any project approved pursuant to the Quality Jobs Act beginning operation on or after July 1, 1995, that has new or additional

energy consumption with a minimum electrical demand of five thousand kilowatts during the applicable billing demand period with a minimum annual load factor of fifty-five percent. In no case shall such charges be less than the cost of supplying such services.

Sec. 2. Original section 70-655, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 829. The Wesely pending amendment, AM0565, found in the Journal on page 841 and considered on page 857, was renewed.

Mmes. Hudkins, Robak, and Mr. Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Beutler
Chambers
Hall
Lynch
Maurstad
Preister
Schellpeper
Schimek
Wesely

Voting in the negative, 20:

Bromm
Brown
Crosby
Day
Elmer
Engel
Hartnett
Jensen
Kristensen
Landis
Lindsay
Matzke
Pedersen
Pirsch
Stuhr
Vrtiska
Warner
Wehrbein
Witek
Withem

Present and not voting, 6:

Avery
Fisher
Hillman
Jones
Robinson
Wickersham

Excused and not voting, 13:

Abboud
Bohlke
Brashear
Coordsen
Cudaback
Dierks
Hudkins
Janssen
McKenzie
Robak
Schmitt
Schrock
Will

The Wesely amendment lost with 10 ayes, 20 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

MRS. CROSBY PRESIDING

Messrs. Beutler and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his amendment, AM0598, found in the Journal on page 845.

Mr. Wickersham offered the following amendment:
AM0632

(Amendments to E & R amendments, AM7048)

1. On page 6, line 5, after "section" insert "and subsection (1) of section 28 of this act".

2. On page 7, line 8, strike "Each" and insert "For applications filed before September 1, 1995, each"; in line 14 after the period insert "For applications filed on or after September 1, 1995, the nonrefundable tax credit shall equal the wage benefit credit not to exceed eighty percent of (i) his or her income tax liability minus (ii) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income."; in line 21 after "(1)" insert "(a)"; and in line 23 after the period insert:

"(b) For applications filed before September 1, 1995, the employee and company shall be eligible for a wage benefit credit per employee equal to one hundred percent of the amount of the Nebraska income tax liability attributable to the employee's compensation for services rendered in connection with the project for the project year.

(c) For applications filed on or after September 1, 1995, the employee and company shall be eligible for a wage benefit credit per employee equal to eighty percent of the amount of the Nebraska income tax liability attributable to the employee's compensation for services rendered in connection with the project for the project year and the remaining twenty percent of the amount of the Nebraska income tax liability attributable to the employee's compensation shall be withheld as provided in section 77-2753 and paid over to the state under section 77-2756. The twenty percent of income tax liability shall be allocated to school districts pursuant to section 79-3804. For purposes of calculating the revenue raised pursuant to the increase in the income tax rate provided in Laws 1990, LB 1059, the Department of Revenue and the Legislative Fiscal Analyst shall include one hundred percent of the amount of the Nebraska income tax liability attributable to the employee's compensation for services rendered in connection with the project for the project year.".

Mr. Bernard-Stevens offered the following amendment to the Wickersham pending amendment:
FA63
Amend the Wickersham amendment AM0632 by striking the existing sections and insert "The income tax rebate as provided in laws 1990, LB 1059 shall be repealed.

PRESIDENT ROBAK PRESIDING

Mr. Bernard-Stevens withdrew his amendment.

Mr. Wickersham moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bohlke
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hall
Hudkins
Janssen
Jones
McKenzie
Robak
Schellpeper
Schrock
Stuhr
Warner
Wickersham

Voting in the negative, 22:

Avery
Bernard-Stevens
Brown
Crosby
Day
Elmer
Engel
Fisher
Jensen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Schimek
Wehrbein
Will
Witek
Withem

Present and not voting, 6:

Hartnett
Hillman
Robinson
Schmitt
Vrtiska
Wesely

Excused and not voting, 4:

Abboud
Beutler
Brashear
Landis

The Wickersham amendment lost with 17 ayes, 22 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 54, LR 55, and LR 56.

UNANIMOUS CONSENT - Member Excused

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 829. Mr. Lindsay offered the following Brashear amendment:
AM0612

(Amendments to the E & R Amendments, AM7048)

1. On page 9, line 26, after "one" insert "dollar".
2. On page 10, line 3, strike "due" and insert "received" and strike "net of incentives,".

Mr. Warner requested a division of the question on the Brashear amendment.

The Chair sustained the division of the question.

The first Brashear amendment is as follows:
FA64

(Amendments to the E & R Amendments, AM7048)

1. On page 9, line 26, after "one" insert "dollar".

The first Brashear amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The second Brashear amendment is as follows:
FA65

(Amendments to the E & R Amendments, AM7048)

2. On page 10, line 3, strike "due" and insert "received" and strike "net of incentives,".

Messrs. Landis and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

Mr. Lindsay moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Hall requested a roll call vote on the second Brashear amendment.

Mr. Will requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Abboud
Avery
Brashear
Brown
Crosby
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Lindsay
Lynch
Matzke
Pedersen
Pirsch
Robinson
Schmitt
Stuhr
Vrtiska
Wehrbein
Will
Witek
Withem

Voting in the negative, 15:

Bernard-Stevens
Beutler
Bohlke
Chambers
Coordsen
Day
Dierks
Hall
McKenzie
Schellpeper
Schimek
Schrock
Warner
Wesely
Wickersham

Present and not voting, 6:

Cudaback
Hillman
Jones
Kristensen
Maurstad
Robak

Excused and not voting, 3:

Bromm
Landis
Preister

The second Brashear amendment was adopted with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA66

Amend AM7048

P. 6, line 3, Strike, "otherwise agreed", and insert, "as agreed to".

P. 11, line 27, Strike "may" and insert, "shall"; strike "for" and insert, "to allow".

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Dierks offered the following amendment:

FA67

In the E & R Amendment (AM7048), on page 10, line 15, after "project" insert ", any costs to be incurred by the Department of Environmental Quality for the administration & issuance of any necessary licenses,"

Messrs. Lynch, Hartnett, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Avery
Chambers
Coordsen
Cudaback
Dierks
Engel
Hudkins
Maurstad
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Wesely
Wickersham

Voting in the negative, 20:

Abboud
Beutler
Brashear
Brown
Crosby
Day
Elmer
Fisher
Hall
Hillman
Kristensen
Lindsay
Matzke
McKenzie
Pedersen
Pirsch
Schimek
Warner
Will
Withem

Present and not voting, 5:

Bernard-Stevens
Bohlke
Jensen
Vrtiska
Witek

Excused and not voting, 7:

Bromm
Hartnett
Janssen
Jones
Landis
Lynch
Preister

The Dierks amendment lost with 17 ayes, 20 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Warner and Will offered the following amendment:
FA68
Strike from page 9 line 21 through page 10 line 21

MRS. CROSBY PRESIDING

The Warner-Will amendment was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Withem requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Vrtiska
Wehrbein
Will
Witek
Withem

Voting in the negative, 10:

Chambers
Coordsen
Dierks
Hall
Schellpeper
Schrock
Stuhr
Warner
Wesely
Wickersham

Present and not voting, 9:

Avery
Cudaback
Hillman
Hudkins
Jones
Lynch
Robak
Schimek
Schmitt

Excused and not voting, 3:

Bromm
Landis
Preister

Advanced to E & R for engrossment with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 828. E & R amendment, AM7049, found in the Journal on page 858, was adopted.

Messrs. Janssen and Beutler offered the following amendment:
AM0634

(Amendments to E & R amendments, AM7049)

1. Insert the following new section:

"Section 1. In order to help stimulate economic development, any municipality furnishing electric service may, but shall not be required to, negotiate, fix, establish, and collect rates, tolls, rents, and other charges different from those of other users and consumers for electrical energy and associated services or facilities. The different rates, tolls, rents, and other charges would be effective for a period not to exceed five years, for services, commodities, and facilities sold, furnished, or supplied to or for the benefit of any project approved pursuant to the Quality Jobs Act beginning operation on or after July 1, 1995, that has new or additional energy consumption with a minimum electrical demand of five thousand kilowatts during the applicable billing demand period with a minimum annual load factor of fifty-five percent. In no case shall such charges be less than the cost of supplying such services.".

2. Renumber the remaining sections accordingly.

Messrs. Abboud, Schellpeper, Will, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

The Janssen-Beutler amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Avery
Beutler
Bohlke
Brashear
Brown
Crosby
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schmitt
Stuhr
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 4:

Chambers
Dierks
Hall
Wesely

Present and not voting, 9:

Bernard-Stevens
Coordsen
Cudaback
Lynch
Robak
Schimek
Schrock
Warner
Wickersham

Excused and not voting, 7:

Abboud	Day	Preister	Schellpeper	Will
Bromm	Landis			

Advanced to E & R for engrossment with 29 ayes, 4 nays, 9 present and not voting, and 7 excused and not voting.

SPEAKER WITHEM PRESIDING

EASE

The Legislature was at ease from 9:29 p.m. until 9:52 p.m.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 828 and 829.

Enrollment and Review Change to LB 828

The following changes, required to be reported for publication in the Journal, have been made:
ER9016

1. On page 1, line 1, "and irrigation districts" has been struck; and in line 4 "by municipalities and public power and irrigation districts" has been inserted after "charges".

Enrollment and Review Change to LB 829

The following changes, required to be reported for publication in the Journal, have been made:
ER9015

1. Because of the adoption of the Warner-Will amendment, FA68:

a. The Brashear amendments FA64 and FA65 have been struck; and

b. The remaining subsections of section 28 have been renumbered accordingly.

2. In the E & R amendments, AM7048, on page 16, line 10, "estimate" has been struck and "estimated" inserted.

(Signed) David I. Maurstad, Chairperson

ADJOURNMENT

At 9:52 p.m., on a motion by Mrs. Bohlke, the Legislature adjourned until 9:00 a.m., Friday, February 24, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Lynn Parsons, Shepherd of the Hills Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Engel and Fisher who were excused; and Messrs. Abboud, Bromm, Chambers, Dierks, Hall, Landis, Lindsay, Schrock, Wesely, Will, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 46. Placed on General File as amended.
Standing Committee amendment to LB 46:
AM0020

1. Strike the original sections and insert the following new sections:

"Section 1. Section 49-1499, Reissue Revised Statutes of Nebraska, is amended to read:

49-1499. An individual designated in section 49-1493 or an official or employee of the executive branch of state government, who, in the discharge of his or her official duties, would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

(1) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she is a member of the Legislature and will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and

(2) Deliver a copy of the statement to the commission and:

(a) If he or she is a member of the Legislature, deliver a copy of the statement to the Speaker of the Legislature who shall cause the statement to be filed with the Clerk of the Legislature to be held as a matter of public record. He or she may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature. Nothing in this section shall be construed to prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter that comes before the body; or

(b) If he or she is not a member of the Legislature, deliver a copy of the statement to his or her immediate superior, if any, who shall assign the matter to another or, if he or she has no immediate superior, take such steps as the commission shall prescribe or advise to remove himself or herself from influence over actions and decisions on the matter. This restriction shall not prevent such a person from (i) making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made, ~~or~~ (ii) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association resulting from formal action by the governing body establishing the individual as the governing body's representative with the business, the business is a nonprofit corporation organized pursuant to section 21-1903 or is a private foundation as defined in section 509 of the Internal Revenue Code, and the nonprofit corporation or private foundation has as its primary purpose the providing of financial aid, assistance, and support to the political subdivision, or (iii) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board. A person acting pursuant to subdivision (i) of this subdivision shall report the occurrence to the commission.

For purposes of this section, commodity board shall mean only the Corn Development, Utilization, and Marketing Board, the Nebraska Dairy Industry Development Board, the Grain Sorghum Development, Utilization, and Marketing Board, the Soybean Development, Utilization, and Marketing Board, the Nebraska Wheat Development, Utilization, and Marketing Board, the Dry Bean Commission, the Nebraska Potato Development Committee, and the Nebraska Poultry and Egg Development, Utilization, and Marketing Committee.

Sec. 2. Original section 49-1499, Reissue Revised Statutes of Nebraska is repealed.".

LEGISLATIVE BILL 304. Placed on General File as amended.
Standing Committee amendment to LB 304:
AM0036

1. Strike original section 1 and insert the following new sections:

"Section 1. Section 84-712.05, Revised Statutes Supplement, 1994, is amended to read:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths and except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this

subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;

(6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities and except as provided in sections 43-512.06 and 70-101, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature. The lawful custodian of such correspondence, memoranda, and records of telephone calls, whether created prior to, on, or after April 2, 1993, upon approval of the Executive Board of the Legislative Council, shall release such correspondence, memoranda, and records of telephone calls which are not designated as sensitive or confidential in nature pursuant to subsection (3) of section 81-1120.27 to the person the Executive Board of the Legislative Council has contracted with pursuant to section 50-401.04. A member's correspondence, memoranda, and records of telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

(12) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect such site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; ~~and~~

(13) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or

paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act; and

(14) Reports or portions of reports of injury filed with the Nebraska Workers' Compensation Court pursuant to section 48-144.01 which reveal personal information, including the identity of the injured employee, and which are intended to be sold, given, or received for the purpose of selling or offering for sale any property or service to the injured employee.

Sec. 2. Original section 84-712.05, Revised Statutes Supplement, 1994, is repealed.".

2. Renumber the remaining section accordingly.

(Signed) C. N. "Bud" Robinson, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 768 Monday, March 13, 1995 (cancelled) 1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska
  Annual Report (Section 81-1607, Neb. Rev. Stat. 1988)

Interstate Agricultural Grain Marketing Commission
  Financial Statements and Supplemental Information for year ending June 30, 1994

Labor, Department of
  State, Omaha, and Lincoln area summaries, Nonmetropolitan area LMA's, and Nebraska monthly report on labor force and unemployment for January 1995

Public Employees Retirement Systems, Nebraska
  Forty-third Actuarial Valuation Report, Nebraska School Retirement System, July 1, 1993 through June 30, 1994
  Thirty-ninth Actuarial Valuation Report, Nebraska State Patrolmen's Retirement System, July 1, 1993 through June 30, 1994
  Twenty-ninth Actuarial Valuation Report, Nebraska Judges' Retirement System, July 1, 1993 through June 30, 1994

Roads, Department of

Board of Public Roads Classifications and Standards, Minutes for January 20, 1995

COMMUNICATIONS

Received a copy of Senate Joint Resolution 3 from the State of Montana demanding that Congress recognize states' rights under the Tenth Amendment to the Constitution of the United States.

Received a copy of House Concurrent Resolution No. 7 from the State of Idaho petitioning Congress regarding the sovereignty of the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise granted to the federal government.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Section 7(b) to permit Final Reading of LB 830.

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Withem motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 830 to Select File

Mr. Wickersham moved to return LB 830 to Select File for the following specific amendment:
AM0635

(Amendments to Final Reading copy)

1. On page 20, line 10, after "individuals" insert ". If the power of eminent domain is exercised, possession of the property subject to condemnation may not be obtained notwithstanding any other provision of law until all appeals are final".

Mr. Wickersham requested a roll call vote on his motion to return.

Voting in the affirmative, 14:

Beutler
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hudkins
Jones
Robak
Schellpeper
Schmitt
Stuhr
Wesely
Wickersham

Voting in the negative, 23:

Abboud
Avery
Brashear
Brown
Crosby
Day
Elmer
Hillman
Jensen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schimek
Schrock
Wehrbein
Witek
Withem

Present and not voting, 8:

Bernard-Stevens
Bohlke
Hartnett
Janssen
McKenzie
Preister
Vrtiska
Warner

Excused and not voting, 4:

Engel
Fisher
Hall
Will

The Wickersham motion to return lost with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Withem moved to return LB 830 to Select File for the following specific amendment:
FA69
Strike the enacting clause.

MRS. CROSBY PRESIDING

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 16 nays, and 26 not voting.

Messrs. Dierks and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his motion to return.

Mr. Hall moved to return LB 830 to Select File for the following specific amendment:
FA70
Amend AM7047 by striking subsection (10) of Sec. 26. of the amendment as found on p. 38, lines 20 thru 24.

Messrs. Coordsen and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 830. With Emergency.

A BILL FOR AN ACT relating to redevelopment; to adopt the Nebraska Redevelopment Act; to provide an operative date; to provide a termination date; to provide severability; and to declare an emergency.

Mr. Withem requested a roll call vote, in reverse order.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Elmer
Hartnett
Hillman
Janssen
Jensen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schrock
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 11:

Chambers
Coordsen
Dierks
Hall
Hudkins
Jones
Schmitt
Stuhr
Warner
Wesely
Wickersham

Present and not voting, 1:

Schimek

Excused and not voting, 4:

Engel
Fisher
Schellpeper
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER WITHEM PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 830.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 872. Placed on General File.
LEGISLATIVE BILL 880. Placed on General File.

LEGISLATIVE BILL 784. Placed on General File as amended.
Standing Committee amendment to LB 784:
AM0609

1. On page 3, line 19, after the period insert "For purposes of the act, a cause of action shall accrue upon the effective date of the occurrence of one of the contingencies in section 4 of this act.".

LEGISLATIVE BILL 188. Indefinitely postponed.
LEGISLATIVE BILL 545. Indefinitely postponed.
LEGISLATIVE BILL 850. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Transportation

LEGISLATIVE BILL 132. Placed on General File.
LEGISLATIVE BILL 265. Placed on General File.
LEGISLATIVE BILL 463. Placed on General File.

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendment to LB 146:
AM0290

1. Strike the original sections and insert the following new sections:

"Section 1. Section 86-1302, Reissue Revised Statutes of Nebraska, is amended to read:

86-1302. The purpose of the Telecommunications Relay System Act is to provide a statewide telecommunications relay system and a statewide program for distribution of specialized telecommunications equipment for qualified low-income hearing-impaired or speech-impaired persons in Nebraska which enables them to communicate twenty-four hours per day, seven days per week, with other persons who use conventional telephone systems.

Sec. 2. Section 86-1303, Reissue Revised Statutes of Nebraska, is amended to read:

86-1303. For purposes of the Telecommunications Relay System Act:

(1) Commission shall mean the Public Service Commission;

(2) Fund shall mean the Nebraska Telecommunications Relay System Fund;

(3) Household shall mean a family unit whose members are related by birth, marriage, or adoption and who share a common living arrangement;

(4) Personal telephone service shall mean telephone service located in an individual's room and the telephone service account is in the individual's name;

(5) Specialized telecommunications equipment shall mean any telecommunications device enabling hearing-impaired or speech-impaired persons to communicate using conventional telephone systems. Specialized telecommunications equipment shall include, but not be limited to, telecommunications devices for the deaf, signaling devices, and electronic artificial larynx devices; and

(6) ~~(4)~~ Telecommunications relay system shall mean a service permitting full and simultaneous communication between hearing-impaired or speech-impaired persons using specialized telecommunications equipment and other persons using conventional telephone equipment.

Sec. 3. Section 86-1304, Reissue Revised Statutes of Nebraska, is amended to read:

86-1304. There is hereby created the Nebraska Telecommunications Relay System Fund. The fund shall be used to provide a statewide telecommunications relay system and to administer a statewide program to distribute specialized telecommunications equipment to qualified low-income hearing-impaired and speech-impaired persons in Nebraska.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 86-1305, Reissue Revised Statutes of Nebraska, is amended to read:

86-1305. (1)(a) Each telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed twenty cents per month on each telephone access line in Nebraska, including cellular telephone service. The surcharge shall only be collected on the first one hundred telephone access lines per subscriber. The companies shall add the surcharge to each subscriber's local telephone bill.

(b) The telephone companies shall not be liable for any surcharge not paid by a subscriber and shall not be obligated to take legal action to collect the surcharge.

(2) Before October 1 of each year, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the Telecommunications Relay System Act. After the hearing, the commission shall set the surcharge at the level necessary to fund the statewide telecommunications relay system and the specialized telecommunications equipment program for the following year plus a reasonable reserve. The surcharge shall

become effective on January 1 following the change. The amount appropriated for the specialized telecommunications equipment program from the fund shall not exceed the revenue generated by one cent of the surcharge per month.

(3) In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

(4) The proceeds from the surcharge shall be remitted to the commission monthly no later than thirty days after the end of the month in which they were collected together with forms provided by the commission. The commission shall remit the funds to the State Treasurer for credit to the fund.

(5) The commission may require an audit of any telephone company collecting the surcharge pursuant to the act.

Sec. 5. Section 86-1306, Reissue Revised Statutes of Nebraska, is amended to read:

86-1306. (1) The commission shall establish standards, procedures, and training specifications for the telecommunications relay system and shall supervise its operation. The system shall assure prompt and accurate relay of all messages seven days per week, twenty-four hours per day, including holidays, and shall provide at least the following services to all hearing-impaired or speech-impaired persons living in Nebraska who possess specialized telecommunications equipment: ~~(1)~~ (a) Statewide in-state calls with charges for long-distance calls billed to the person making the call in a manner which the commission determines will recover the cost of long-distance calls to the system; ~~(2)~~ (b) out-of-state calls with charges billed to the person making the call; and ~~(3)~~ (c) emergency calls. Any person using the system shall not be charged for access to the system other than charges billed for in-state and out-of-state long-distance service.

(2) The commission shall establish standards and criteria and shall determine the eligibility of qualified low-income hearing-impaired and speech-impaired persons applying for specialized telecommunications equipment, which include the following: (a) Only one person per household may be a recipient of the telecommunications equipment; (b) an applicant shall reside in a household that has telephone service; (c) a recipient of equipment may not reapply for assistance more than once every five years; (d) a nursing home or institution resident is eligible for specialized telecommunications equipment only if he or she has personal telephone service; and (e) the eligibility of applicants shall be based upon income levels not in excess of the poverty level as established by the federal Office of Management and Budget. Applications may be approved if they meet the guidelines established by the commission. The commission shall adopt and promulgate rules and regulations necessary for implementation of the Telecommunications Relay System Act and guidelines for the specialized telecommunications equipment program. The commission

may enter into contracts with other agencies or private organizations, which may include the Commission for the Hearing Impaired, to operate the telecommunications relay system and the specialized telecommunications equipment program.

Sec. 6. Original sections 86-1302 to 86-1306, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 157. Placed on General File as amended.
Standing Committee amendment to LB 157:
AM0585

1. Strike original section 2.

2. On page 5, strike beginning with "and" in line 9 through "are" in line 10 and insert "is".

LEGISLATIVE BILL 322. Placed on General File as amended.
Standing Committee amendment to LB 322:
AM0579

1. Insert the following new sections:

"Section 1. Section 60-488, Reissue Revised Statutes of Nebraska, is amended to read:

60-488. (1) A nonresident shall not be prevented from operating a motor vehicle upon the highways of this state during the period within which he or she may lawfully operate such motor vehicle in the state under the general motor vehicle laws of this state, but in no event shall such immunity extend beyond a period of thirty days continuous residence in the State of Nebraska.

(2) Subsection (1) of this section shall be subject to the following limitations:

(a) Such nonresident shall be duly licensed under the motor vehicle laws of the state of his or her residence or have complied with the laws of the state of his or her residence relating to the registration or licensing of motor vehicles and conformed to the laws of such state of residence in relation to the operators of motor vehicles;

(b) A nonresident who is serving in this state on active duty as a member of the United States Armed Forces, or the spouse of any such person or a person who has been with such member of the armed forces, shall be exempt from the licensing requirements of this state if he or she is duly licensed under the laws of the state of his or her residence;

(c) A nonresident who is considered to be a full-time student in any institution of postsecondary education in this state shall be exempt from the licensing requirements of this state if such person is duly licensed under the laws of the state of his or her residence; ~~and~~

(d) A nonresident certified by the Department of Labor, Division of Employment, as engaged in temporary agricultural employment in Nebraska for a period of not to exceed sixty days may be granted an additional thirty days' immunity if a similar immunity is granted by the state of his or her permanent residence to residents of Nebraska while temporarily employed in agricultural employment in such state; and

(e) A nonresident who lives in this state for a continuous period of more than thirty days but less than six months shall be exempt from the licensing requirements of this state for the operation of vehicles authorized to be operated under a Class O operator's license if he or she is duly licensed under the laws of his or her state of residence for such vehicles.

Sec. 3. Section 60-4,108, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,108. It shall be unlawful for any person to operate a motor vehicle during any period that his or her operator's license has been suspended, revoked, or impounded pursuant to conviction or convictions for violation of any law or laws of this state or of any other state or by an order of any court or by an administrative order of the director or after ~~such~~ the suspension, revocation, or impoundment but before reinstatement of his or her license or issuance of a new license. Except as otherwise provided by law, any person so offending shall: (1) For a first ~~such~~ offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order ~~such~~ the person not to operate any motor vehicle for any purpose for a period of one year from (a) the date of final discharge from the county jail or other correctional facility, (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is the latest; and (2) for each subsequent ~~such~~ offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order ~~such~~ the person not to operate any motor vehicle for any purpose for a period of two years from (a) the date of final discharge from the county jail or other correctional facility, (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is the latest.

Sec. 4. Section 60-4,113, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,113. In and for each county in the State of Nebraska, the director shall appoint as his or her agents one or more examiners who shall examine all applicants for an operator's license as provided in section 60-4,114 and may, in his or her discretion, also appoint one or more examining officers with similar powers as are set forth in such section. The same examiner may be assigned to one or more counties by the director. Each county shall furnish office space for the administration of the operator's license examination. The examiner shall actually conduct the examination of applicants and deliver to each successful applicant a certificate entitling such applicant to secure an operator's license. If the examiner refuses to issue such certificate for cause, he or she shall state such cause in writing and deliver the same to the applicant. The successful applicant shall, within ninety days, present his or her certificate to ~~the~~ a county treasurer ~~of his or her county,~~ who shall immediately issue the operator's license and collect the fee therefor. The county treasurer shall report the issuance of such licenses to the Department of Motor Vehicles within five days after issuance. The director shall furnish to the examiner in every county in this state the blank applications provided for in section 60-484 and a sufficient supply of blank certificates for successful applicants to cover all probable requirements.".

2. On page 6, line 22, after "sections" insert "60-488," and after the second comma insert "60-4,108, 60-4,113,".

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendment to LB 466:
AM0279

1. Insert the following new section:

"Section 1. The Legislature recognizes that a revitalized railroad industry is essential to the well-being of the citizens of Nebraska and to the national economy, but such revitalization is accompanied by increases in rail traffic across the state. Such increased traffic brings with it the possibility of additional hazards to Nebraska motorists, frustrations caused by lengthy delays at highway-rail crossings, increases in emergency response times for police, fire, and rescue personnel, as well as disruptions in service to rail customers caused by operational delays necessary to keep roads and highways unobstructed.

The Legislature further recognizes that crafting a meaningful solution to such a complex problem will require a review of our current state and local transportation network and the laws and agencies that impact transportation and an assessment of possible modifications to rail and highway traffic patterns and to state and local laws that could enhance safety by expediting traffic flows for motorists and railroad carriers. Such a review and assessment will require the cooperation and input of state and local transportation officials, private and commercial highway users, the railroad industry, and the public at large.".

2. On page 2, lines 1 and 25; page 3, line 22; and page 4, line 4, strike "Railroad Grade" and insert "Highway-Rail".

3. On page 2, line 19, after the semicolon insert the following new subdivision:

"(9) One person representing commercial highway users;"; in line 20, strike "(9)" and insert "(10)"; and in line 26, strike "railroad grade" and insert "highway-rail".

4. On page 3, line 4, strike "rail grade" and insert "highway-rail"; in line 7, strike "railroad grade" and insert "highway-rail"; and in lines 10 and 20, strike "closure" and insert "consolidation".

5. On page 3, lines 10, 12, 15, 18, 20, and 21; and page

4, line 3, strike "grade".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 23. Indefinitely postponed.
LEGISLATIVE BILL 24. Indefinitely postponed.
LEGISLATIVE BILL 155. Indefinitely postponed.
LEGISLATIVE BILL 213. Indefinitely postponed.
LEGISLATIVE BILL 620. Indefinitely postponed.
LEGISLATIVE BILL 814. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.
LEGISLATIVE BILL 831. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 397. Placed on General File as amended.
Standing Committee amendment to LB 397:
AM0544

1. On page 4, strike beginning with "a" in line 10 through "by" in line 12.

2. On page 5, strike beginning with "origination" in line 18 through "and" in line 19 and insert "a nonrefundable loan origination fee which does not exceed two percent of the appraised value of the home at the time the loan is made,"; in line 20 after "lender" insert ", and (c) such other fees as are necessary and required for inspections, insurance, appraisals, and surveys"; and after line 25 insert the following new subsection:

"(6) Nothing in this section shall be construed to limit the department's authority to examine, audit, or inspect reverse mortgage loans for compliance with requirements for loans made by a licensee operating under sections 45-114 to 45-155.".

LEGISLATIVE BILL 615. Placed on General File as amended.
Standing Committee amendment to LB 615:
AM0545

1. Insert the following new sections:

"Sec. 11. Section 8-157, Revised Statutes Supplement, 1994, is amended to read:

8-157. (1) Except as provided in subsections (2) through (9) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2)(a) With the approval of the director, any bank may maintain an attached branch bank if such branch bank is physically connected by a pneumatic tube or tubes or a walkway, a tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office.

(b) With the approval of the director, any bank located in a Class I or Class III county may establish and maintain in Class I and Class III counties an unlimited number of detached branch banks at which all banking transactions allowed by law may be made.

(c)(i) With the approval of the director, any bank located in a Class II county may establish and maintain not more than nine detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located. ~~, or if the bank is located within the zoning jurisdiction of a city of the primary class or is located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such detached branch banks may also be within the corporate limits of such city.~~

(ii) With the approval of the director, any bank in existence on the effective date of this act, the main office of which on the effective date of this act is located within an unincorporated city or unincorporated area in a Class II county which contains a city of the primary class, may establish prior to July 1, 2005, and maintain not more than three detached branch banks within the corporate limits of such city of the primary class, at which all banking transactions allowed by law may be made.

(d) With the approval of the director, any bank located in a Class IV county may establish and maintain not more than six detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located.

(e) Any detached branch bank established and maintained by a bank pursuant to an acquisition or merger under sections 8-1506 to 8-1510 or an acquisition under section 8-1515 shall not count against the number of locations of detached branch banks permitted under this subsection.

(f) For purposes of this section:

(i) Class I county shall mean a county in this state with a population of three hundred thousand or more as determined by the most recent federal decennial census;

(ii) Class II county shall mean a county in this state with a population of at least two hundred thousand and less than three hundred thousand as determined by the most recent federal decennial census;

(iii) Class III county shall mean a county in this state with a population of at least one hundred thousand and less than two hundred thousand as determined by the most recent federal decennial census; and

(iv) Class IV county shall mean a county in this state with a population of less than one hundred thousand as determined by the most recent federal decennial census.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than eighteen months and the acquired institution and its detached branch banks are converted to detached branch banks of the acquiring bank. Such branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. If the acquired institution is in a Class I county or in a Class III county, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(b) of this section if the purchase or merger had not occurred. If the acquired institution is in a Class II county and it has not established nine detached branch banks as permitted by subdivision (2)(c) of this section, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(c) of this section if the purchase or merger had not occurred. If the acquired institution is in a Class IV county and it has not established six detached branch banks as permitted by subdivision (2)(d) of this section, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain detached branch banks to the same extent that the acquired institution could have established and maintained detached branch banks as provided in subdivision (2)(d) of this section if the purchase or merger had not occurred.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska if:

(a) The acquired detached branch bank has been approved for more than eighteen months;

(b) The acquired detached branch bank is converted to a detached branch bank of the acquiring bank; and

(c) The bank from which the detached branch bank is acquired and the acquiring bank are subsidiaries of the same bank holding company or the detached branch bank to be acquired was chartered as a bank prior to becoming a detached branch bank.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached branch banks of the acquired bank as detached branch banks of the acquiring bank.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if:

(a) The acquired detached branch bank or eligible savings association is converted to a detached branch bank of the acquiring bank; and

(b) The detached branch bank or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached branch banks of the acquired bank as detached branch banks of the acquiring bank.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to a detached branch bank of the acquiring bank.

(7) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached branch bank by any bank located within Nebraska.

For purposes of this subsection:

(a) An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machine transactions.

(8) The name given to any detached branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created detached branch bank and is located in the same municipality. The name of such newly created detached branch bank shall be approved by the director.

(9) A bank which has a main chartered office or approved branch bank located in the State of Nebraska may, through any of its executive officers, including executive officers licensed as such pursuant to section 8-139, or designated agents, conduct a loan closing at a location other than the place of business specified in the bank's charter or any detached branch thereof. The director may adopt and promulgate rules and regulations to implement the provisions of this section.

Sec. 15. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 5, strike beginning with "The" in line 23 through "(e)" in line 26; and in line 28 strike "(f)" and insert "(e)".

3. On page 6, line 3, strike "(g)" and insert "(f)"; and in lines 21 and 28 strike "subdivisions (2)(c) and (d)" and insert "subdivision (2)(c)".

4. On page 8, line 5, strike "and each" and insert "with one or more state-chartered bank subsidiaries and each state-chartered bank".

5. On page 15, line 10, strike "section" and insert "sections 8-157 and".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendment to LB 837:
AM0546

1. Insert the following new sections:

"Sec. 2. Section 44-5256, Revised Statutes Supplement, 1994, is amended to read:

44-5256. (1) The Small Employer Health Insurance Availability Act shall apply to any health benefit plan that provides coverage to the employees of a small employer in this state if any of the following conditions are met:

(a) Any portion of the premium or benefits is paid by or on behalf of the small employer;

(b) An eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the small employer for any portion of the premium; or

(c) The health benefit plan is treated by the employer or any of the eligible employees or dependents as part of a plan or program for the purposes of section 106, 125, or 162 of the Internal Revenue Code of 1986, as amended.

(2) ~~(a)~~ The act shall not apply to individual health benefit plans issued: ~~to~~

(a) To eligible employees of a small employer if the ~~arrangements~~ arrangement with the small employer ~~meet~~ was established prior to January 1, 1995, and met any of the conditions set forth in subsection (1) of this section; or ~~and were established prior to January 1, 1995~~

(b) On or after January 1, 1995, to eligible employees of a small employer if the small employer had fewer than three eligible employees when the arrangement was established regardless of whether the small employer subsequently employs three or more employees.

~~(b) The act shall apply to individual health benefit plans issued on or after such date if any of the conditions set forth in subsection (1) of this section are met.~~

(3)(a) Except as provided in subdivision (b) of this subsection, carriers that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one carrier and any restrictions or limitations imposed by the act shall apply as if all health benefit plans delivered or issued for delivery to small employers in this state by such affiliated carriers were issued by one carrier.

(b) An affiliated carrier that is a health maintenance organization having a certificate of authority pursuant to the Health Maintenance Organization Act may be considered to be a separate carrier for the purposes of the Small Employer Health Insurance Availability Act.

(c) Unless otherwise authorized by the director, a small employer carrier shall not enter into one or more ceding arrangements with respect to health benefit plans delivered or issued for delivery to small employers in this state if such arrangements would result in less than fifty percent of the insurance obligation or risk for such health benefit plans being retained by the ceding carrier. The Assumption Reinsurance Act shall apply if a small employer carrier cedes or assumes all of the insurance obligation or risk with respect to one or more health benefit plans delivered or issued for delivery to small employers in this state.

(4)(a) A Taft-Hartley trust, or a carrier with the written authorization of such a trust, may make a written request to the director for a waiver from the application of any of the provisions of subsection (1) of section 44-5258 with respect to a health benefit plan provided to the trust.

(b) The director may grant such a waiver if the director finds that application of such subsection with respect to the trust would:

(i) Have a substantial adverse effect on the participants and beneficiaries of such trust; and

(ii) Require significant modifications to one or more collective bargaining arrangements under which the trust is established or maintained.

(c) A waiver granted under this section shall not apply to an individual if the person participates in such a trust as an associate member of an employee organization.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 8, line 19, after "44-5253" insert ", 44-5256,".

3. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendment to LB 583:
AM0603

1. Strike original sections 3, 4, and 5 and insert the following new section:

"Sec. 3. This act becomes operative on January 1, 1996.".

2. Renumber the remaining section accordingly.

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 401A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 401, Ninety-fourth Legislature, First Session, 1995.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 23, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Bovee, Phyllis - Lincoln	American Association of Retired Persons
Bredthauer, Trudy Saunders - Omaha	Omaha Public Schools
Kratz, Paul D. - Omaha	Vetter Health Services
Pappas, James E. - Lincoln	Bruce A. Cutshall
Rasmussen, Dennis - Lincoln	Friends of Nebraska Non-Profit Hospitals
Remington, S. June - Lincoln	Nebraska Dental Assistants Association
Robotham, Eugene L. - Lincoln	Nebraska Motorcyclists Coalition
Shepherd, Rosalie - Omaha	United We Stand America-Nebraska
Yost, Kurt T. - Lincoln	Friends of Nebraska Non-Profit Hospitals

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 452 in the Journal. No objections. So ordered.

AM0501

1. In the Standing Committee amendments, AM0123:

a. Strike sections 14 and 15;

b. Strike amendment 4;

c. On page 1, line 24, strike "July 25" and insert "August 4"; and

d. Renumber the remaining sections and amendments accordingly.

2. On page 25, line 19, strike the new matter and reinstate the stricken matter.

3. On page 25, line 15; page 27, line 14; and page 28, line 13, strike "July 15" and insert "July 25".

WITHDRAW - Cointroducers

Mr. Pedersen withdrew his name as cointroducer to LB 510.

Mr. Lynch withdrew his name as cointroducer to LR 46CA.

VISITORS

Visitors to the Chamber were 24 eighth grade students and teacher from Cathedral of the Risen Christ School, Lincoln; and 17 seniors and teacher from Wayne State College.

The Doctor of the Day was Richard G. Hanisch from St. Paul.

ADJOURNMENT

At 12:53 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Monday, February 27, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FOURTH DAY - FEBRUARY 27, 1995

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY - FEBRUARY 27, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Arthur Swarthout, United Methodist Church, Ithaca and Wahoo, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Bromm, Chambers, Hall, Kristensen, Landis, Lindsay, Lynch, Warner, Mmes. Bohlke, McKenzie, Pirsch, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1995, at 1:00 p.m., was the following bill: 830.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

February 24, 1995

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 830 was received in my office on February 24, 1995.

This bill was signed by me on February 24, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95014

DATE:	February 22, 1995
SUBJECT:	Application of the Nebraska Public Meetings Statutes to the Citizen Review Board Created to Advise the Mayor of the City of Omaha
REQUESTED BY:	Senator Ron Withem Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

Prior to the 1995 Legislative Session, you requested our opinion as to whether the Nebraska Public Meetings Statutes, Neb. Rev. Stat. § 84-1408 through 84-1414 (1994), apply to the "Mayor's Citizen Review Board." Presumably, your opinion request grew out of an intent to take appropriate legislative action based upon the conclusions expressed in our opinion. In any event, we requested additional information from you as to the nature of the Mayor's Citizen Review Board at issue, and you recently provided that additional information to us. Based upon your information, we do not believe that the Board in question is subject to the Public Meetings Statutes, for the reasons set forth below.

From the materials enclosed with your most recent correspondence, it appears that the Mayor's Citizen Review Board (the "Board") was created in July, 1993, by an Executive Order of the then-Mayor of the City of Omaha, P. J. Morgan. The Board is comprised of nine members, including three representatives from the Omaha Police and Fire Departments, and six citizens. Certain proportions of the citizen members of the Board must be from protected classes based upon race, national origin, or sex. Under the provisions of the Mayor's Executive

Order, all of the members of the Board are appointed by the Mayor of Omaha for a set term.

The Board elects its own chairperson and other officers, and it must meet at least monthly. The Board's duties include the review of complaints from citizens or civilian employees of the City of Omaha alleging one or more of the following:

1. Police Harassment.
2. Excessive use of force.
3. Use of language likely to demean the inherent dignity of any person to whom it was directed and/or to trigger disrespect for law enforcement officers.
4. A violation of the Standard Operating Procedures or rules or regulations codified by the Nebraska Commission of Law Enforcement and Criminal Justice.

The Board's review of a particular citizen or employee complaint occurs after completion of an investigation of that same matter by the Office of Professional Standards of the City of Omaha, and after a decision has been made by that Office as a consequence of its initial investigation. The Board is simply empowered to make a recommendation to the Mayor of the City of Omaha regarding a proper disposition of a citizen's complaint before it. The Executive Order creating the Board also provides that its proceedings shall not be open to the public or to the media due to the provisions of collective bargaining agreements in force and due to Section 23-25 of the Omaha Municipal Code.

From your recent correspondence, we also understand that there is no other city ordinance or City Council action in Omaha addressing the Board, nor we have been able to find any state statutes which address city boards in this area. You have also indicated that the Board "operates solely as a function of the Mayor's authority to supervise the administrative activities of the City of Omaha."

The Nebraska Public Meetings Statutes generally provide that the formation of public policy in Nebraska is public business and may not be conducted in secret. In accordance with that premise, the Public Meetings Statutes require that meetings of governmental bodies be open to the public after adequate notice, that minutes of public meetings be prepared, that votes on issues be taken in public, and so forth. However, a threshold question in any analysis under the Public Meetings Statutes involves a determination as to whether the entity involved is a "public body" subject to those statutes. Section 84-1409 defines a public body subject to the Public Meetings Statutes to include the following entities:

(a) governing bodies of all political subdivisions of the State of Nebraska,

(b) governing bodies of all agencies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska,

(c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law,

(d) the Certificate of Need Review Committee,

(e) all study or advisory committees of the executive department of the State of Nebraska, whether having continuing existence or appointed as special committees with limited existence,

(f) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision, and

(g) instrumentalities exercising essentially public functions.

Consequently, the Mayor's Citizen Review Board must fit within the entities defined in § 84-1409, or it is not subject to the Public Meetings Statutes.

The governing body of the City of Omaha, for purposes of the Public Meeting Statutes, is obviously the Omaha City Council. Therefore, the Board at issue here, which reports to the Mayor rather than to the City Council and which contains no members of the Omaha City Council, is clearly neither the "governing body" of the political subdivision known as the City of Omaha nor an advisory committee to that governing body. Nor do we believe that the Board is an independent board or commission, since it only has authority to recommend a certain course of action to the Mayor. The Board is also obviously not the Certificate of Need Review Committee or a study or advisory committee of the executive department of State of Nebraska. Therefore, the Board in this case does not fall under the bulk of the definitions for "public body" set out in § 84-1409.

In fact, it appears that the only definition under § 84-1409 which might apply to the Board in question is the definition found in subsection (g) pertaining to instrumentalities exercising essentially public functions. However, the legislative history of that language, which was added to the Public Meetings Statutes in 1989, indicates that it was specifically intended to reach the Nebraska Investment Finance Authority and other entities which have been granted the power and authority to issue bonds and to borrow and expend public money. Floor Debate on LB 311, 91st Nebraska Legislature, First Session, May 9, 1989, at 6039, 6040. That description obviously does not fit the Board at issue here. As a result, we do not believe that the Mayor's Citizen Advisory Board fits under any of the categories of public body listed in § 84-1409.

We would also point out that the legislative history of LB 325 from 1975, the original version of § 84-1409, indicates that it was not the intent of the Legislature at that time to subject the management or administrative functions of public bodies to public meetings requirements. Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14, 1975, at 4604, 4605. Rather, public meetings requirements were to apply to policy making bodies, exercising legislative or quasi-legislative functions. Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14, 1975, at 4616, 4617. As Senator Anderson, the introducer of LB 325, stated:

> . . . in the definition of a public body that is covered by the open meetings act, there was some concern expressed at the hearing that the way the language is set it could cover management teams, it could cover a mayor meeting with the department heads or something like this. That was not the intent of the act. I indicated that at the hearing. The committee amendment was development (sic) to make sure that management teams could not be included in the definition of public body under the act.

Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14, 1975, at 4605 (emphasis added).

It seems to us that the Board in question in this case is really a type of management body, formed to aid the Mayor of Omaha in his administrative duties in connection with the Omaha Police and Fire Departments. In that regard, this situation is not unlike the situation discussed in our Op. Att'y Gen. No. 92020 (February 12, 1992). In that opinion, we concluded that various academic planning committees of the University of Nebraska, created to aid the University Chancellor in making budget reduction recommendations to the Board of Regents, were part of the management structure of the University as opposed to legislative or quasi-legislative bodies. On that basis, we determined that such committees were not subject to the Public Meetings Statutes. In a similar fashion, it seems to us that the Board at issue in this case is part of the management structure of the Omaha Mayor's office as opposed to being a legislative or quasi-legislative body. Therefore, we do not believe that the Board is subject to the Public Meetings Statutes as they are currently drafted. If you wish a contrary result, you may want to consider clarifying legislation.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-29-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95015

DATE: February 24, 1995

SUBJECT: Constitutionality of Legislative Authority Under Article VIII, § 12 of the Nebraska Constitution to Declare Farm Land and Vacant Land as Blighted and Substandard as Proposed in LB 830

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office regarding whether LB 830, as currently proposed, would be constitutional based on the language found in Article VIII, § 12 of the Nebraska State Constitution. More specifically, you asked the question whether the Legislature is in a position to be able to declare farm land and vacant land as blighted and substandard.

Under LB 830, if property meets the definition of blighted and substandard set out in the bill, a process is created where the property may be acquired by a city for redevelopment. A central feature in a discussion regarding whether the Legislature can declare farm or vacant land as blighted and substandard is the actual definition given to the term "blighted and substandard." Section 3(6) of LB 830 sets out the Legislature's definition of "blighted and substandard." The definition, as set out in the bill's final reading form states:

> Blighted and substandard area means an area either within a city or cities or up to ten miles outside of the area of operation of a city or cities of the metropolitan or primary class, up to six miles outside of the area of operation of a city or cities of the first class, and up to three miles outside of the area of operation of a city or cities of the second class or village or villages, or any combination thereof, in which by reason of (a) the existence of significant areas of unimproved or insufficiently developed land, (b) the lack of a significant number of new and growing business enterprises, (c) the dilapidation, deterioration, age, or obsolescence of buildings and improvements, (e) the lack of a state, regional, or local redevelopment plan or program, (f) the existence of significant conditions which prevent or do not promote economic growth within such area, (g) the lack of medical and health care facilities, (h) the lack of utilities and other government services infrastructure, or (i) any combination of such factors, there exists (i) insufficient safe, sanitary, and available housing for low-income and moderate-income families and persons, including, but not limited to, persons displaced by clearing of slums or blighted areas or by other public programs, (ii) job growth at less than the United States or midwest average job growth rates, (iii) average wages at less than the United States or midwest average wage levels, (iv) a net emigration of population, (v) population growth that is less than that of the United States or the midwest, (vi) the failure to utilize substantial land areas at their highest and best uses in comparison to other areas within such city or cities, (vii) an abundance of property that is not on the tax rolls at levels at least equal to industrial and residential valuation levels, or (viii) any combination of such results.

LB 830, Section 3(6), 94th Legislature, 1st Session, 1995.

Section 6 of LB 830 declares that it shall be construed in accordance with authority granted by Article VIII, § 12 of the Nebraska Constitution. Article VIII, § 12, in pertinent part, states:

> For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes advance of money, or otherwise.

The Nebraska Supreme Court has addressed the constitutionality of the Legislature's ability to define terms in several cases. In MAPCO Ammonia Pipeline v. State Bd. of Equal., 238 Neb. 565, 471 N.W.2d 734 (1991), several natural gas companies challenged the constitutionality of a bill that excepted certain irrigation equipment from being defined as real property, thus making the equipment fall under the category of personal property. At issue was the definition of the term "fixture."

At the outset of its discussion, the Court stated, "In every constitutional challenge it is presumed that all acts of the Legislature are constitutional, and all reasonable doubts are resolved in favor of constitutionality." Id. at 571, 471 N.W.2d at 739. This statement appears to be a well established point of law. It has been followed in numerous Nebraska Supreme Court decisions. See Distinctive Printing & Packaging Co. v. Cox, 232 Neb. 846, 442 N.W.2d 566 (1989); Landon v. Pettijohn, 231 Neb. 837, 438 N.W.2d 757 (1989); Otto v. Hahn, 209 Neb. 114, 306 N.W.2d 587 (1981); American Fed'n of State, County, and Mun. Employees v. Dept. of Pub. Insts., 195 Neb. 253, 237 N.W.2d 841 (1976); and Stanton v. Mattson, 175 Neb. 767, 123 N.W.2d 844 (1963).

Despite the deference given to legislative actions, the bill under consideration in MAPCO was found to be unconstitutional. The Court pointed out that the constitutional provision involved allowed the Legislature to classify personal property in such a manner as it saw fit. The Court pointed out that in the amended statute, however, the Legislature did not try to classify, but rather arbitrarily declared personal property to be "fixtures."

In State ex rel. Meyer v. Peters, 191 Neb. 330, 215 N.W.2d 520 (1974), the Nebraska Supreme Court faced a situation similar to that in MAPCO. In Peters, the Court addressed the constitutional validity of a legislative bill. The bill changed the property tax laws by altering the definition of what constituted "household goods." Article VIII, § 2 of the Nebraska Constitution states: "Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law . . . ."[1] The statute which exempted household goods from property taxes was amended by the bill to include "major appliances either attached or detached to real property" in its definition of household goods. The Court held the amended statutory definition to be unconstitutional.

The constitutional provision on which the bill in Peters relied for authority stated the term in question, followed by the phrase "as defined by law," just as is the case with the term "substandard and blighted" in Article VIII, § 12 of the Nebraska Constitution. The Peters

Court questioned whether the constitutional phrase "as defined by law" meant to give definitional authority to the Legislature, or rather that the framers of the amendment intended to adopt the common law definition of "household goods."

Since the constitutional provision itself failed to set a definition, the Court examined what the term "household goods" typically was understood to mean. The Court discussed such factors as whether the voters who adopted the constitutional amendment adding the phrase "as defined by law" envisioned they were authorizing an exemption for real estate. The Court found they had not. The Court determined that "{t}he term 'household goods' would not normally encompass fixtures." Id. at 333, 215 N.W.2d at 524. The Court also stated:

> In any event, any power to define household goods must be limited for the term 'household goods' to have any meaning whatever. It is obvious that the Legislature could not be allowed to define all property in the state as household goods and personal effects. To permit it to do so would allow it to negate other parts of the Constitution.

Peters at 335, 215 N.W.2d at 525.

The Court also found that "{a}ny definitional powers given to the Legislature are prefixed and limited." Id. at 334, 215 N.W.2d at 524. Since there is a limit to a legislature's definitional powers, the Court stated it is reasonable to use the common law's concepts regarding a term as a guide. Unfortunately, in the context of your question, it is difficult to assign a typical or common law meaning to the term "blighted." The term is usually defined in the statute with which it is associated and does not lend itself well to a "typical" or common law definition as a more familiar phrase such as "household goods" or "fixtures" does. Research on the subject revealed no Nebraska cases offering a definition of the term blighted that was not based on the statutory definition involved. In LB 830, the Legislature makes evident its intention that it is defining the term "blighted and substandard" pursuant to the grant of power expressed for that purpose in Article VIII, § 12. Section 4(8) of LB 830 declares that if the state board approves a city's application to have an area designated blighted and substandard, "then, for purposes of Article VIII, Section 12, of the Constitution of Nebraska, as applied in the act, the designated blighted and substandard area is considered as determined by law to be a designated blighted and substandard area and the property within such area is considered to be determined by law to be substandard and blighted property." If reasonable persons could disagree on the issue, the doctrine that reasonable doubts should be resolved in favor of the constitutionality of legislative acts would appear to support the bill's constitutionality.

The Nebraska Supreme Court also addressed the Legislature's power to define a term by statutory declaration in Moeller, McPherrin & Judd v. Smith, 127 Neb. 424, 255 N.W. 551 (1934). In that case, a partnership challenged the constitutionality of an amendment to a tax law which changed the definition of tangible property to include property which has always been considered intangible. The amendment defined such property as stocks, judgments, and demands for labor to be tangible property.

In holding the statutory amendment unconstitutional, the Court examined and gave weight to the term's commonly accepted meaning, just as in the Peters decision. The Court cited to the definition in Webster's Dictionary, noting that the Legislature's newly created definition directly contravened it.

The Court was particularly concerned that the Legislature had essentially ignored a constitutional definition and redefined the term in a way directly contrary to it. The Court stated, "In our opinion, there is a limit to the legislature's power to nullify and circumvent constitutional provisions by putting an arbitrary, but improper and unfounded, definition upon a certain word." Id. at 433, 255 N.W. at 555-556.

In a constitutional analysis of legislative acts and bills, the Nebraska Supreme Court has made it clear that the process must begin with the premise that the Legislature's actions are presumed constitutional. That deference is not without limits, however. When defining terms, the Court will look to what that term or phrase is commonly viewed to mean. If there is a generally accepted meaning, and the statutory definition unreasonably conflicts with it, the courts have demonstrated that the statute or bill may be held unconstitutional. If the term's exact definition is somewhat unclear, then reasonable doubts will be resolved in favor of constitutionality. According to the Peters decision, though, a term's definition cannot be so broad that it fails to exclude anything from the category it was meant to define. It appears that the term "blighted and substandard" does not have a commonly accepted definition at common law. Article VIII, § 12 does not provide a set definition for the term "substandard and blighted," and apparently authorizes the Legislature to define the term through legislation. As the legislative definition provided in LB 830 does not appear to contravene any constitutional or commonly held definition of what constitutes substandard and blighted property, it would appear likely the Legislature is in a position to define (and declare) farm land and vacant land as blighted and substandard.

[1] The constitutional provision in Peters had previously provided household goods of the value of $200.00 per family were exempt from taxation. The dollar amount was removed and the phrase "as defined by law" was added in an amendment.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-02-14.op
cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 95016

DATE: February 22, 1995

SUBJECT: Authority to Declare Property Blighted or Substandard Under the Nebraska Community Development Law

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office regarding several issues involving the power of municipalities and community redevelopment authorities to declare an area blighted or substandard for purposes of a redevelopment project. Specifically, you posed the following questions:

1. Do municipalities or community redevelopment authorities have the authority to use eminent domain for redevelopment purposes to acquire property occupied by a business or farm?
2. Under current law, may property which is physically occupied by a business entity or physically occupied by a farm for use in agricultural production be declared blighted over the property owner's objection?
3. May property be declared blighted without first holding a public hearing?

The Nebraska Community Development Law (Neb Rev. Stat. §§ 18-2101 to 18-2144 (1991)), which you cited to in your letter, is the primary law controlling the area in question. The circumstances necessary for an area to be considered "substandard" or "blighted" are set out in Neb. Rev. Stat. § 18-2103(10) and (11) (Cum. Supp. 1994), respectively. Under the Nebraska Community Development Law, the governing body of a city has the authority to declare an area to be substandard or blighted.

It appears that under current law, municipalities or community redevelopment authorities[1] do have the right to exercise eminent domain proceedings to acquire property occupied by businesses or farms for redevelopment purposes.

The Nebraska Community Development Law specifically grants cities and community redevelopment authorities the right to exercise eminent domain powers. Neb. Rev. Stat. § 18-2107(4) (Cum. Supp. 1994) allows a community redevelopment authority to acquire any real or personal property, along with any improvements thereon, by eminent domain. In addition, Neb. Rev. Stat. § 18-2122 (1991) states:

> An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for a redevelopment project for its purposes under the provisions of sections 18-2101 to 18-2144 after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.
>
> When an authority has found and determined by resolution that certain real property described therein is necessary for a redevelopment project or for its purposes under the provisions of sections 18-2101 to 18-2144, the resolution shall be conclusive evidence that the acquisition of such real property is necessary for the purposes described therein.

Under current law, however, a community redevelopment authority must meet certain procedural requirements before it may exercise eminent domain powers. Examples of such requirements are: that the city has promulgated a general development plan for the city, the city has declared the area under consideration to be substandard or blighted, and the city has approved the specific redevelopment plan recommended by the community redevelopment authority.

The Nebraska Supreme Court has upheld the use of eminent domain when used pursuant to the Community Development Law. In Monarch Chemical Works, Inc. v. City of Omaha, 203 Neb. 33, 277 N.W.2d 423 (1979), the City of Omaha attempted to obtain land owned by Monarch Chemical Works by eminent domain, pursuant to the Nebraska Community Development Law. The city had passed a redevelopment plan which called for acquisition of property in east Omaha for redevelopment into industrial sites. The chemical company brought an injunction action to prevent the taking, claiming Omaha was taking land for manufacturing purposes, prohibited by Article XIII, § 2 of the Nebraska Constitution.

The Court found that clearly a city has the power of eminent domain to obtain real estate to be used for a public use, and the city could sell property it later found it did not need. The Court cited to Neb. Rev. Stat. § 14-374 (1991) as the authority which provided a city with such powers. Regarding the chemical company's claim that Article XIII, § 2 of the Nebraska Constitution, prohibited the city's action, the Court stated that the Community Development Law depended on a very different public purpose than that expressed in Article XIII, § 2. It found that a city was not prohibited from exercising its eminent domain powers to acquire and develop sites for manufacturing and industrial sites.

The Court also addressed the viability of the Nebraska Community Development Law itself. It held:

> The taking of substandard or blighted areas by a city for redevelopment and resale in accordance with an approved redevelopment plan which is in conformity with a general plan for the municipality as a whole, all as provided for in the Nebraska

> Community Development Law, § 18-2101 et seq., R. R. S. 1943, is a proper public use for a municipality.

Monarch at 41, 277 N.W.2d at 427.

The Court went on to note that whether the property was obtained voluntarily or by eminent domain, the acquisition must be provided for and in accordance with the city's redevelopment plan.

Assuming that an area which is physically occupied by a business or farm meets the statutory definition of substandard or blighted, as long as the municipality adheres to all procedural requirements there do not appear to be any obstacles preventing a municipality or community redevelopment authority from exercising its eminent domain powers to acquire the property. The fact that a business or farm physically occupies the property would not seem to affect the determination.[2]

Regarding the issue of whether business or farm property may be declared substandard or blighted over the property owner's objection, the evidence indicates that property owners have very limited standing to contest the determination that their property is blighted or the exercise of eminent domain over their property. Property owners can only object regarding procedural irregularities, that the taking is actually not for a public use, and to contest the amount of compensation. If a city strictly complies with all procedural requirements, and if the property meets the definition of substandard or blighted, the evidence indicates a property owner has no right to prevent property from being declared blighted or the exercise of eminent domain merely because he or she objects to it.

In Schulz v. Central Nebraska Public Power and Irrigation District, 138 Neb. 529, 293 N.W. 409 (1940), the case involved the taking of farm and ranch land to create a dam reservoir near Ogallala, Nebraska. In its decision, the Court stated, "When it becomes necessary to take property for a public improvement, and all the strict requirements of the law have been met, the only question before the court is: What is the loss to the owner?" Id. 536, 293 N.W. at 413.

In May v. City of Kearney, 145 Neb. 475, 17 N.W.2d 448 (1945), Mr. May (a city resident) and a public power district sued to prevent the city from acquiring the public power district's electric light and power plant. The Nebraska Supreme Court, in addressing the issue of how the due process clause applied to the exercise of eminent domain, adopted language set out in People v. Adirondack Ry. Co., 160 N.Y. 225, 54 N.E. 689, and found that an individual has a right to his or her day in court regarding the issue of compensation, but does not have the right to challenge the state's appropriation of the property unless a statute requires it. May at 502, 17 N.W.2d at 463. The Court went on to hold that if property is taken irregularly, or if it can be shown the taking is in fact not for a public purpose, the owner can prevent the taking through injunction, ejectment, or any other available remedy. This same language was cited by the Court in the Monarch case.

As long as the requirements set out in Neb. Rev. Stat. § 18-2103(11) (Cum. Supp. 1994) are met, it does not appear that property owners have any right to prevent their property being declared blighted or the condemnation of the land through eminent domain proceedings.

The issue of whether property may be declared blighted without first holding a public hearing is closely related to the previous question. Just as with property owners' right to object to their land being declared blighted, the only requirements regarding public hearings prior to property being declared blighted is that which is statutorily provided.

Although the Nebraska Community Development Law contains public hearing provisions, it does not require hearings prior to property being declared substandard or blighted. The purpose for hearings which are required by the Community Development Law is to allow all interested parties an opportunity to express their views regarding the redevelopment plan recommended by the community redevelopment authority to the governing body of the city. See Neb. Rev. Stat. § 18-2115 (1991). The community redevelopment authority's plan details how a blighted area should be redeveloped.

The Nebraska Community Development Law also grants community redevelopment authorities the power to conduct hearings on any matter material for its information. Neb. Rev. Stat. § 18-2107(7) (Cum. Supp. 1994). The statute allows the hearings to be either public or private. The hearings provided for in this statute appear to be discretionary, however. The purpose is to allow the community redevelopment authority to gather evidence and make sure it is fully informed on any given topic. The statute does not contain language mandating such hearings be held, or if they are held, when they will be convened. The hearings contemplated by the statute appear to be information-gathering meetings for the convenience of the authority's members, not as a procedural requirement.

The Nebraska Supreme Court has upheld statutes which provided for no or very limited hearings. In May v. City of Kearney, 145 Neb. 475, 17 N.W.2d 448 (1945) (previously cited), the statute under which the city acted did not provide for notice and hearings regarding the legality of the proceeding. Mr. May and the public power district alleged that the city's condemnation action violated due process.

The Court disagreed that a statute must provide for notice and hearing. The Court stated, "{A} statute providing due process on the matter of just compensation and which is silent on the question of affording a hearing on the right to take meets all the requirements of due process under the state and federal Constitutions." Id. at 505, 17 N.W.2d at 464.

The Court held that the fact a statute did not provide for notice and hearing concerning the state's right to take property did not violate due process. In fact, the Court in May went on to state that a non-statutory mandate requiring notice and hearing "would constitute an unwarranted limitation on the sovereign right of the state . . . to take private property for a public use." Id. at 506, 17 N.W.2d at 465. There is other case law supporting the proposition that constitutional due process does not guarantee property owners the right to a hearing, so long as the owner is afforded the opportunity to remedy the situation in court. See also Chicago, Burlington & Quincy Railroad Co. v. State of Nebraska, 47 Neb. 549, 66 N.W. 624 (1896), aff'd 170 U.S. 57, 18 S. Ct. 513 (1898).

Although the available case law deals primarily with a property owner's rights regarding condemnation in eminent domain proceedings, it is clear that his or her due process rights are limited to those which are statutorily provided. Having property declared blighted, in the context of your question involving the Nebraska Community Development Law, is one of the first steps a city would take in acquiring property for a public purpose.

In summary, property owners are quite limited in the remedies available to them when a municipality declares their property as substandard or blighted pursuant to the Nebraska Community Development Law. So long as a city and its community redevelopment authority strictly follow statutory procedural requirements, the city has the right to exercise eminent domain, notwithstanding a property owner's objection. The fact that a business or farm physically occupies the property would go to the amount of compensation, not the right of the city to acquire the property. To prevent the taking, the property owner would have to find a procedural irregularity, either in a statute or in the city's redevelopment plan, or be able to articulate why the taking is in fact not for a public purpose. Case law indicates public hearings are not required before property can be declared blighted, absent a statutory mandate. It is only necessary that the property meet the statutory definition of substandard or blighted property, and that the property owner can address any grievances in court.

[1] Community redevelopment authorities are basically entities created by a city to prepare and carry out redevelopment plans for areas which have been declared substandard or blighted.

[2] The presence of a business or farm would only affect the amount of compensation due the property owner, not the city's right to acquire the property.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-01-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 829 and LB 828 on Final Reading today.

The Withem motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

MOTION - Return LB 829 to Select File

Mr. Withem moved to return LB 829 to Select File for the following specific amendment:
FA71
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 829. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Quality Jobs Act; to provide a termination date; to provide an operative date; to provide severability; and to declare an emergency.

Mr. Withem requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Crosby
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Vrtiska
Wehrbein
Will
Witek
Withem

Voting in the negative, 13:

Chambers
Coordsen
Dierks
Hall
Hudkins
Jones
Landis
Lynch
Schellpeper
Schrock
Warner
Wesely
Wickersham

Present and not voting, 3:

Cudaback
Robak
Stuhr

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Vrtiska
Wehrbein
Will
Witek
Withem

Voting in the negative, 12:

Chambers
Coordsen
Dierks
Hall
Hudkins
Jones
Landis
Lynch
Schellpeper
Schrock
Wesely
Wickersham

Present and not voting, 3:

Robak
Stuhr
Warner

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 828. With Emergency.

A BILL FOR AN ACT relating to public power; to amend section 70-655, Reissue Revised Statutes of Nebraska; to change provisions relating to the setting of rates, rents, tolls, and other charges by municipalities and public power and irrigation districts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Will
Witek
Withem

Voting in the negative, 7:

Chambers
Dierks
Hall
Schellpeper
Warner
Wesely
Wickersham

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 28. With Emergency.

A BILL FOR AN ACT relating to campaign contributions; to amend sections 9-834, 9-835, and 49-1401, Revised Statutes Supplement, 1994; to require disclosure by certain lottery vendors; to provide restrictions on contracts for major procurements; to state intent; to prohibit contributions by lottery contractors as prescribed; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 7:

Hall
Hudkins
Lindsay
Robak
Schellpeper
Will
Withem

Present and not voting, 1:

Engel

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 53.

A BILL FOR AN ACT relating to the Constitution of Nebraska; to establish the Nebraska Constitutional Revision Commission; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Beutler
Brashear
Brown
Coordsen
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Avery
Bromm
Cudaback
Dierks
Pirsch
Robak
Schellpeper
Witek

Present and not voting, 2:

Chambers
Warner

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 64.

A BILL FOR AN ACT relating to veterans; to amend section 80-302, Reissue Revised Statutes of Nebraska; to change provisions relating to membership applications to Nebraska veterans homes; to provide duties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Wesely

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1994; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Fisher
Withem

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 86.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend section 13-1619, Reissue Revised Statutes of Nebraska; to change provisions relating to fund disbursements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback

Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to utility services; to amend sections 86-329 and 86-331, Reissue Revised Statutes of Nebraska; to provide a penalty for unauthorized reconnections; to change provisions relating to prima facie evidence of guilt; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Fisher
Hall
Lindsay
Lynch
Robak
Robinson

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 96.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Supplement, 1994; to change provisions relating to transactions exempt from registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Maurstad

Present and not voting, 2:

Fisher
Schimek

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 122.

A BILL FOR AN ACT relating to county treasurers; to amend section 23-1601, Reissue Revised Statutes of Nebraska; to provide for payments to school districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Fisher
Witek

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT relating to counties; to amend sections 23-2536 and 23-2537, Revised Statutes Supplement, 1994; to change provisions relating to personnel; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Fisher
Hartnett
Withem

Excused and not voting, 3:

Bernard-Stevens
Bohlke
McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 137 to Select File

Mrs. Witek moved to return LB 137 to Select File for the following specific amendment:
AM0663

1. Strike the original sections and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 28:

IV-28 'A Tax Commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate~~ Legislature. He or she shall have jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, State Auditor, and State Treasurer shall have power to review and equalize assessments of property for taxation within the state so that all classes or subclasses of property in all counties fall within the acceptable range as provided by law.

He or she shall have such other powers and perform such other duties as the Legislature may provide. His or her term of office and compensation shall be as provided by law.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to provide that all assessments on classes or subclasses of property in all counties be equalized within the acceptable range as provided by law.

For

Against'.".

SPEAKER WITHEM PRESIDING

Pending.

PRESIDENT ROBAK PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 828, 28, 53, 64, 76, 86, 92, 96, 122, and 124.

MOTION - Return LB 137 to Select File

The Witek pending motion to return LB 137 to Select File for her specific amendment, AM0663, found in this day's Journal, was renewed.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Witek motion to return lost with 5 ayes, 26 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Hall moved to return LB 137 to Select File for the following specific amendment:
FA72
Strike the emergency clause.

Mr. Hall withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-506, Revised Statutes Supplement, 1994; to change provisions relating to adjustments to values of classes and subclasses of real property; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Avery
Beutler
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 5:

Abboud
Jensen
Pedersen
Pirsch
Witek

Present and not voting, 9:

Brashear
Brown
Chambers
Hall
Lindsay
Lynch
Preister
Robinson
Will

Excused and not voting, 4:

Bernard-Stevens
Bohlke
Landis
McKenzie

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 39:

Avery
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt

Schrock	Vrtiska	Wehrbein	Wickersham	Withem
Stuhr	Warner	Wesely	Will	

Voting in the negative, 4:

Abboud	Jensen	Pirsch	Witek

Present and not voting, 2:

Brashear	Chambers

Excused and not voting, 4:

Bernard-Stevens	Bohlke	Landis	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 829.

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 743	Friday, March 10, 1995	1:30 p.m.
LB 744	Friday, March 10, 1995	1:30 p.m.
LB 745	Friday, March 10, 1995	1:30 p.m.
LB 299	Friday, March 10, 1995	1:30 p.m.
LB 770	Wednesday, March 15, 1995	1:30 p.m.
LB 794	Wednesday, March 15, 1995	1:30 p.m.
LB 795	Wednesday, March 15, 1995	1:30 p.m.
LB 577	Thursday, March 16, 1995	1:30 p.m.
LB 170	Thursday, March 16, 1995	1:30 p.m.
LB 732	Thursday, March 16, 1995	1:30 p.m.
LB 672	Thursday, March 16, 1995	1:30 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 385 in the Journal. No objections. So ordered.

AM0498

1. On page 4, after line 19 insert the following new subdivision: "(c) The Nebraska Workers' Compensation Court or its agents or employees;"; in line 20 strike "(c)" and insert "(d)"; and in line 22 strike "(d)" and insert "(e)".

2. On page 7, line 28, strike "or".

3. On page 8, line 4, after "action" insert "; or (4) Limit any of the powers granted elsewhere by the laws of this state to the Nebraska Workers' Compensation Court to investigate and examine possible violations of law and to take appropriate action".

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 519. Placed on General File.
LEGISLATIVE BILL 572. Placed on General File.
LEGISLATIVE BILL 652. Placed on General File.

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendment to LB 514:
AM0636

1. On page 5, line 3, strike "No" and insert "Those records declared confidential under this section shall be kept in a separate file from the other registered voter information. A"; and in line 5 strike "unless" and insert "if".

LEGISLATIVE BILL 669. Placed on General File as amended.
Standing Committee amendment to LB 669:
AM0659

1. On page 2, lines 7 and 8, strike the new matter and insert ", except that a county attorney serving in a county which does not have a city of the metropolitan, primary, or first class may reside in an adjoining Nebraska county".

LEGISLATIVE BILL 807. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Revenue

LEGISLATIVE BILL 499. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendment to LB 377:

AM0614

1. Strike the original sections and insert the following new sections:

"Section 1. Section 66-1330, Revised Statutes Supplement, 1994, is amended to read:

66-1330. Sections 66-1330 to 66-1348 and sections 2 to 5 of this act shall be known and may be cited as the Ethanol Development Act.

Sec. 2. An excise tax is levied upon all corn and grain sorghum to be utilized as feed, as food, or for industrial processing in the State of Nebraska. Except as otherwise provided in this section, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. The excise tax shall be imposed on all sales occurring on or after July 1, 1995, and before January 1, 2001. The tax shall be in addition to any fee imposed pursuant to sections 2-3623, 2-3627, and 2-4012. The excise tax shall be levied and imposed on the grower at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced together with and in the same manner as the fees imposed pursuant to sections 2-3623, 2-3627, and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax more than once. In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 3. (1) The grain recipient, at the time of transfer or settlement, shall retain the excise tax as provided in section 2 of this act and shall maintain the necessary records of the excise tax for each transfer of corn or grain sorghum. Records maintained by the grain recipient shall provide the following: (a) Name and address of the supplier; (b) the date of the transfer; (c) the number of bushels of corn and hundredweight of grain sorghum transferred; and (d) the amount of excise tax retained on each transfer. The records shall be open for inspection and audit by authorized representatives of the Department of Agriculture during normal business hours observed by the purchaser.

(2) The grain recipient shall render and have on file with the department by the last day of each January, April, July, and October on forms prescribed by the department a statement of the number of bushels of corn and hundredweight of grain sorghum transferred in Nebraska. At the time the statement is filed, the

grain recipient shall pay and remit to the department the excise tax.

(3) The department shall remit the excise tax collected to the State Treasurer for credit to the Ethanol Production Incentive Cash Fund within thirty days after the end of each quarter.

(4) For each fiscal year beginning with fiscal year 1995-96 through fiscal year 2000-01, the department shall calculate its costs in collecting and enforcing the excise tax imposed by section 2 of this act and shall report such costs to the Department of Administrative Services within thirty days after the end of the fiscal year. Sufficient funds to cover such costs shall be appropriated from the Ethanol Production Incentive Cash Fund to the Department of Agriculture each fiscal year.

Sec. 4. The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, before the end of each of the following fiscal years, the following amounts:

(a) For each of fiscal years 1995-96 and 1996-97, $2,000,000 per fiscal year;

(b) For each of fiscal years 1997-98 and 1998-99, $13,000,000 per fiscal year;

(c) For fiscal year 1999-2000, $9,000,000; and

(d) For fiscal year 2000-01, $3,000,000.

Sec. 5. Any person violating any of the provisions of section 2 or 3 of this act shall be guilty of a Class III misdemeanor.

Sec. 6. Section 66-1345, Revised Statutes Supplement, 1994, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, ~~and~~ (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 2 of this act, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 4 of this act.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489 and 66-668;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production and Incentive Cash Fund the amounts appropriated under subsection (4) of section 3 of this act for each fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund.

Sec. 7. Original sections 66-1330 and 66-1345, Revised Statutes Supplement, 1994, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 282. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 310. Indefinitely postponed.
LEGISLATIVE BILL 753. Indefinitely postponed.

LEGISLATIVE BILL 755. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Agriculture

LEGISLATIVE BILL 671. Placed on General File as amended.
Standing Committee amendment to LB 671:
AM0640

1. Strike the original sections and insert the following new sections:

"Section 1. Any county agricultural society operating or organized under Chapter 2, article 2, which has become inoperative because of neglect in the discharge of its duties devolved upon it by law, or for any other reason may, at any time procure an extension, restoration, renewal, or revival of its corporate existence, together with all the rights, franchises, privileges, and immunities and subject to all of its duties, debts, and liabilities which had been secured or imposed by its original articles of incorporation and its amendments, by filing with the Secretary of State a certificate of its last acting president and secretary or treasurer or other officers to be elected as provided in sections 5 and 6 of this act.

Sec. 2. The certificate filed pursuant to section 1 of this act shall set forth (1) the name of the county agricultural society, which name shall be the existing name of the society or the name it bore when its corporate existence expired, except as otherwise provided in sections 1 to 7 of this act, (2) the street address of the initial registered office and the name and street address of the initial registered agent, which street address shall be identical, (3) whether the renewal, restoration, or revival is to be perpetual and if not the time for which the renewal, restoration, or revival is to continue, (4) that the society desiring to be renewed or revived and so renewing or reviving its corporate existence was duly organized under the laws of the State of Nebraska, and (5) the date when the society became inoperative and that this certificate for renewal or revival is filed by authority of those who were directors or managers of the association at the time its corporate existence expired or who were elected directors or officers of the society as provided in sections 5 and 6 of this act. A copy of the certificate, certified by the Secretary of State, shall be recorded in the office of the clerk in and for the county in which the original articles of incorporation of the society are recorded. Upon filing and recording the original of the certificate of revival in the office of the Secretary of State the society shall be renewed and revived with the same force and effect as if its corporate existence had not become inoperative.

Sec. 3. The reinstatement shall validate all contracts,

acts, matters, and things made done and performed within the scope of its articles of incorporation, its officers, and its agents during the time when the corporate existence was inoperative with the same force and effect and to all intents and purposes as if the corporate existence had at all times remained in full force and effect. All real and personal property, rights, and credits which were of the county agricultural society at the time its corporate existence became inoperative and which were not disposed of prior to the time of the revival or renewal shall be vested in the society, after the revival and renewal, as fully and completely as they were held by the society at and before the time its corporate existence became inoperative. The corporation, after such renewal and revival, shall be as exclusively liable for all contracts, acts, matters, and things made, done, or performed in its name and on its behalf by its officers and agents prior to the reinstatement as if its corporate existence had at all times remained in full force and effect.

Sec. 4. If, since the corporate existence became inoperative, any other county agricultural society organized under the laws of the State of Nebraska adopted the same name as the society sought to be renewed or revived or shall have adopted a name so nearly similar to it as not to distinguish it from the society renewed or revived under the provisions of sections 1 to 7 of this act, then, in such case, the renewed or revived society shall not be renewed under the same name which it bore when its corporate existence became inoperative, but shall adopt and be renewed under a new name which, under existing law, could be adopted by a society formed and organized under the provisions of Chapter 2, article 2, and in such case the certificate to be filed under section 8 of this act shall set forth the name borne by such society at the time its existence became inoperative and the new name under which the society is to be renewed or revived.

Sec. 5. If the last president and secretary or treasurer, or the officers performing the functions of the offices, or any of them, of the county agricultural society renewing or reviving its corporate existence are dead at the time of the renewal or refuse or neglect to act pursuant to section 1 of this act, the directors of the society or the successors of them, if not less than two, may elect a successor to the officer or officers who are dead or who refuse or neglect to act pursuant to section 1 of this act. In any case where there are less than two directors of the society living or if any of them refuse or neglect to act for the purpose of renewing or reviving the corporate existence, the members of the society may elect as many directors as necessary, together with the surviving director who is ready and willing to act, to constitute a board of three directors, and the board may elect successors to the deceased or the refusing or neglectful officers.

Sec. 6. A meeting of the directors of the county agricultural society or their successors or of the board as elected wholly or partly by the members as provided in sections 1 to 7 of this act, may be called by the president or any director upon ten days' written notice delivered personally or mailed to the last-known post office address of every other director. A meeting of the members for the purpose of electing directors may be called by the president or by any member upon ten days' written notice delivered or mailed to the last-known post office address of every other member. The president and secretary or treasurer, or the officers performing the functions of the president and secretary or treasurer elected, may take all steps and do all things necessary and proper to be done for the renewal or revival of the existence of the society with the same validity as if performed and done by the last president and secretary or treasurer, or the officers performing the functions of such offices of the society.

Sec. 7. After a renewal or revival of the existence of the county agricultural society is effected, the then president shall immediately call a meeting of the members of the society who are entitled to vote upon such notice as is required by the articles of incorporation for a regular meeting thereof, and at such meeting the members shall elect a full board of directors, which board shall then elect such officers as are provided by law, by the articles of incorporation, or the bylaws to conduct and carry on the business and affairs of the society.

Sec. 8. The certificate for the renewal and continuance of the existence of a county agricultural society shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the certificate under his or her hand and seal of office. The certified copy shall be recorded in the office of the clerk of the county in which the principal office of the society is located in this state in a book kept for the purpose. The certificate or a certified copy of the certificate duly certified under the hand of the Secretary of State and his or her seal of office, accompanied with the certificate of the clerk of the county where it is recorded under the clerk's hand and seal of his or her office, stating that it had been recorded, the record of the same in the office of the clerk, or a copy of such record duly certified by the clerk, or the record of such certified copy, recorded in the county clerk's office, is evidence in all courts of law and equity of this state.

Sec. 9. A county agricultural society renewing, extending, and continuing its corporate existence shall, upon complying with sections 1 to 8 of this act, be a corporation and continue its existence for the time stated in its certificate of renewal and shall, in addition to the rights, privileges, and immunities conferred by its original articles of incorporation, possess and enjoy all of the benefits of the laws of this state which are applicable to the nature of its business and shall be subject to the restrictions and liabilities imposed on such societies by the laws of this state.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Merton L. Dierks, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 829.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM0668

(Amendments to Standing Committee amendment, AM0175)

1. On page 3, lines 17 and 18, strike "presiding officer" and insert "Speaker".

ANNOUNCEMENT

Mrs. Hillman designates LR 40CA as her priority resolution.

EXPLANATION OF VOTE

Had I been present, I would have voted nay on LB 830.

(Signed) Stan Schellpeper

VISITORS

Visitors to the Chamber were Betty Swarthout from Wahoo; four high school students and teacher from Odell; 54 seniors and teachers from Syracuse; a group representing Southwest Involvement for Tomorrow from Chase, Dundy, Hayes, and Hitchock Counties; and a group from the Beatrice Chamber of Commerce.

The Doctor of the Day was Curtis Reimer from Lincoln.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIFTH DAY - FEBRUARY 28, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Robert Chitwood, Eastmont Towers Administrator, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Beutler, Chambers, Coordsen, Engel, Hall, Hartnett, Landis, Lindsay, Matzke, Will, Mmes. Bohlke, Hudkins, Pirsch, Stuhr, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1995, at 12:25 p.m., were the following bills: 829, 828, 28, 53, 64, 76, 86, 92, 96, 122, and 124.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

February 27, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 828 and 829 were received in my office on February 27, 1995.

These bills were signed by me on February 27, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 137.

(Signed) David I. Maurstad, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 137.

SELECT FILE

LEGISLATIVE BILL 65. The Bernard-Stevens pending amendment, AM0065, found in the Journal on page 761, was renewed.

The Bernard-Stevens amendment lost with 12 ayes, 21 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens requested a machine vote on the advancement of the bill.

Mr. Kristensen moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Kristensen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 17:

Bernard-Stevens
Beutler
Bohlke
Day
Dierks
Hall
Hartnett
Hillman
Janssen
Landis
Lynch
Preister
Robak
Schimek
Wesely
Wickersham
Withem

Present and not voting, 2:

McKenzie
Schellpeper

Excused and not voting, 4:

Avery
Chambers
Lindsay
Will

Advanced to E & R for engrossment with 26 ayes, 17 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced today is Mrs. McKenzie's birthday.

SELECT FILE

LEGISLATIVE BILL 93. E & R amendment, AM7028, found in the Journal on page 625, was adopted.

Mr. Bernard-Stevens moved to indefinitely postpone LB 93.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 83. E & R amendment, AM7032, found in the Journal on page 696, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 83A. Mr. Cudaback offered the following amendment:
AM0430

(Amendments to AM0340)

1. On page 1, line 2, strike "$16,759" and insert "$14,545"; and in line 3 strike "$17,006" and insert "$10,809".

The Cudaback amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. Advanced to E & R for engrossment.
LEGISLATIVE BILL 501. Advanced to E & R for engrossment.
LEGISLATIVE BILL 502. Advanced to E & R for engrossment.

LEGISLATIVE BILL 136. Mr. Warner withdrew his amendment, AM0381, found in the Journal on page 719.

Failed to advance to E & R for engrossment.

LEGISLATIVE BILL 412. Advanced to E & R for engrossment.

LEGISLATIVE BILL 182. E & R amendment, AM7038, found in the Journal on page 706, was adopted.

Mr. Warner renewed his pending amendment, AM0386, found in the Journal on page 747.

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Warner moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM0691 to LB 182.

The Warner motion to suspend the rules prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
AM0691

(Amendments to AM0095)

1. Insert the following new section:

"Sec. 21. Section 21-330, Revised Statutes Supplement,

1994, is amended to read:

21-330. Any corporation which has paid tax in excess of the proper amount of the occupation tax imposed in sections 21-301 to 21-325 for any year shall be entitled to a refund of such excess payment. Claims for refund shall be filed with the Secretary of State or may be submitted by the Secretary of State based on his or her own investigation. If approved or submitted by the Secretary of State, the claim shall be forwarded to the State Treasurer for payment from the General Fund. ~~(1) For 1993, in addition to the occupation tax imposed in sections 21-301 to 21-325, there is hereby levied on all corporations subject to the occupation tax and all corporations exempt from the occupation tax pursuant to section 21-321 an additional fee of one hundred fifty dollars per corporation to be levied and collected in the same manner as the occupation tax.~~

~~(2) The Secretary of State may credit the fee paid by a corporation pursuant to this section for 1992 against the fee imposed by this section for 1993. Any corporation not subject to the fee imposed by this section for 1993 and which paid the fee or assessment imposed for 1992 shall be issued a refund of the fee or assessment paid for 1992.~~".

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

The Warner amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 288. E & R amendment, AM7031, found in the Journal on page 707, was adopted.

Mr. Lynch renewed his pending amendment, AM0333, found in the Journal on page 776.

The Lynch amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 452. E & R amendment, AM7037, found in the Journal on page 707, was adopted.

Mr. Warner renewed his pending amendment, AM0501, found in the Journal on page 890.

The Warner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 158. E & R amendment, AM7034, found in the Journal on page 707, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 270. Advanced to E & R for engrossment.

LEGISLATIVE BILL 271. E & R amendment, AM7036, printed separately from the Journal and referred to on page 707, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 305. Mr. Beutler renewed his pending amendment, AM0288, found in the Journal on page 678.

The Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

MR. HALL PRESIDING

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Maurstad requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Bohlke
Brashear
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hillman
Janssen
Jones
Lindsay
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 4:

Bromm
Maurstad
Wickersham
Witek

Present and not voting, 13:

Abboud
Brown
Coordsen
Elmer
Hudkins
Jensen
Kristensen
Landis
Lynch
Matzke
Pirsch
Robak
Schrock

Excused and not voting, 5:

Avery
Bernard-Stevens
Chambers
Schmitt
Will

Advanced to E & R for engrossment with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 411. E & R amendment, AM7035, found in the Journal on page 713, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 420. Mr. Withem renewed his pending amendment, AM0422, found in the Journal on page 750.

The Withem amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 297. Mr. Beutler renewed his pending amendment, AM0358, found in the Journal on page 750.

The Beutler amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 334. Advanced to E & R for engrossment.
LEGISLATIVE BILL 94. Advanced to E & R for engrossment.

LEGISLATIVE BILL 240. E & R amendment, AM7039, found in the Journal on page 717, was adopted.

Advanced to E & R for engrossment.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 147. Advanced to E & R for engrossment.

LEGISLATIVE BILL 259. E & R amendment, AM7041, found in the Journal on page 718, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 77. Advanced to E & R for engrossment.
LEGISLATIVE BILL 144A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 222. E & R amendment, AM7042, found in the Journal on page 724, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 369. E & R amendment, AM7043, found in the Journal on page 726, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 369A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 366. E & R amendment, AM7044, found in the Journal on page 787, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 401. E & R amendment, AM7046, printed separately from the Journal and referred to on page 787, was adopted.

Mrs. Witek requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 402. E & R amendment, AM7045, found in the Journal on page 787, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 136. Mr. Jensen requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 307. Title read. Considered.

Mr. Avery renewed his pending amendment, AM0354, found in the Journal on page 727.

Messrs. Robinson, Fisher, and Beutler asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 68. Placed on General File.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 654. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 353. Placed on General File.
LEGISLATIVE BILL 568. Placed on General File.
LEGISLATIVE BILL 856. Placed on General File.

LEGISLATIVE BILL 612. Placed on General File as amended.
Standing Committee amendment to LB 612:
AM0662

1. On page 2, line 6, strike "nine", show as stricken, and insert "fifteen"; in line 7 strike "Three", show as stricken, and insert "Five"; in lines 8 and 9 strike "three", show as stricken, and insert "five"; and strike beginning with "(a)" in line 19 through "of" in line 27 and insert "a vocational rehabilitation counselor who, if employed by the Director of Rehabilitation Services for the Visually Impaired, shall be a nonvoting member, and at least one representative from each of the following (a) the statewide Independent Living Council, (b) a parent training and information center (c) the Client Assistance Program, (d) a community rehabilitation program service provider, (e) business, industry, or labor, (f)".

2. On page 3, line 2, strike "(h) a person who has applied for or received" and insert "(g) applicants or recipients of".

LEGISLATIVE BILL 306. Indefinitely postponed.

LEGISLATIVE BILL 486. Indefinitely postponed.
LEGISLATIVE BILL 517. Indefinitely postponed.
LEGISLATIVE BILL 757. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Business and Labor

LEGISLATIVE BILL 478. Placed on General File.

(Signed) Chris Abboud, Chairperson

Agriculture

LEGISLATIVE BILL 718. Placed on General File as amended.
Standing Committee amendment to LB 718:
AM0439

1. Strike the original sections and insert the following new sections:

"Section 1. Section 37-505, Revised Statutes Supplement, 1994, is amended to read:

37-505. It shall be unlawful to buy, sell, or barter (1) any game bird or part thereof, except the feathers or skins from legally taken upland game birds, (2) any antelope, cottontail rabbit, deer, elk, squirrel, or bullfrog, except that deer, antelope, or elk hides from legally taken animals may be sold and any domesticated cervine animal as defined in section 54-701.03, or any part thereof, may be bought, sold, or bartered if such animal or parts thereof are appropriately marked for proof of ownership according to rules and regulations adopted and promulgated by the Department of Agriculture, or (3) any game fish protected by the Game Law at any time except as provided in section 37-503.05, whether such bird, animal, or fish was killed or taken within or outside this state, except that game fish lawfully shipped in from outside this state by residents of this state or game or fish lawfully acquired from a licensed game farm, from a person having an aquaculture permit, or, in the case of bullheads, pursuant to section 37-503.05 may be sold in this state, and the burden of proof shall be upon any such buyer, seller, or possessor to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully shipped in from outside this state or was lawfully acquired from one of such sources. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live bait minnows, live fish, all frogs, and crayfish legally obtained from outside this state or from a licensed aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The fee for a nonresident fish dealer's permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02.

Sec. 2. Section 37-703, Revised Statutes Supplement, 1994, is amended to read:

37-703. Permits for game farming, fur farming, and aquaculture facilities may be issued by the commission upon written application by any qualified person. Such application shall state (1) the name, residence, and place of business of the applicant, (2) the exact description of the land upon which such game farm, fur farm, or aquaculture facility is to be located, together with the nature of the applicant's title to the land, whether in fee or under lease, and (3) the kind and approximate number of game animals, game birds, fur-bearing animals, except mutation foxes or minks, or aquatic organisms authorized to be kept or reared on such farm or in such facility. The annual fee for an aquaculture facility permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02. Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03. Such permits shall expire on December 31.

Sec. 3. Section 37-705, Revised Statutes Supplement, 1994, is amended to read:

37-705. Upon payment of the permit fees required by the Game Law, game animals, not to include domesticated cervine animals as defined in section 54-701.03, and game birds, fur-bearing animals, and aquatic organisms, lawfully held in possession in any other state or country, may be imported into this state by any legal holder of a breeder's permit described in section 37-703 except as provided in sections 37-535 to 37-538 and 37-719. Such permit shall not confer upon the holder the right (1) to take wild game animals, fur-bearing animals, game birds, or aquatic organisms from the natural resources of Nebraska or (2) to purchase such animals, birds, or aquatic organisms from anyone in Nebraska except the commission or persons holding legal permits for the propagation and disposal of the same.

Sec. 4. Section 37-706, Revised Statutes Supplement, 1994, is amended to read:

37-706. Game and aquatic organisms propagated or raised under a permit issued under sections 37-702 to 37-712 may be sold or offered for sale and transported at any time, subject to rules and regulations adopted and promulgated by the commission.

~~(1) Before any live game of any kind raised under authority of any propagation permit is shipped out of the state, it shall be offered to the commission for propagating purposes. The secretary of the commission shall, within ten days, advise the permitholder whether it desires to purchase the same. If not purchased by the commission, it may be exported if tagged pursuant to subdivision (2) of this section. Game so raised, when~~

~~slaughtered, may be shipped anywhere if tagged or properly labeled pursuant to such subdivision.~~

~~(2)(a)~~ (1)(a) Except as provided in subdivision (b) of this subdivision, before any game raised or produced under authority of any propagating permit is shipped or removed from any premises, the permitholder shall apply to the commission for a tag, which shall be supplied at cost. The tag shall be composed of two parts, and, when detached, one part thereof, containing the name and address of both shipper and purchaser and the kind, number, and weight of the game shipped or removed, shall be attached to the bird or animal. The other part of the tag, containing the same information and such additional information as the commission may require, shall immediately be returned to the commission. The tag attached to a bird or animal shall so remain until the carcass of any bird is sold or the carcass of any animal is cut up for retail consumption, at which time the tag shall be removed by the person receiving or finally disposing of the bird or animal and shall at once be forwarded to the commission.

(b) Any permitholder who raises and processes game birds or animals for domestic trade only shall not be required to obtain a tag as prescribed in subdivision (a) of this subdivision. The permitholder shall identify any dressed and packaged game bird or animal with a label identifying the contents of the package, the name of the permitholder, and his or her permit number.

~~(3)~~ (2) It shall be unlawful for any permitholder or his or her agent or employee to neglect to return to the commission any tag with the information thereon required or to kill, sell, give away, remove, or ship any game bred or raised under the authority of any propagating permit except in compliance with this section.

~~(4)~~ (3) It shall be unlawful for any person to willfully or wantonly remove, mutilate, or destroy any tag attached to any bird or animal, according to this section, except as provided in this section.

~~(5)~~ (4) It shall be unlawful for any person to willfully use any tag of the kind provided for in this section for carrying, removing, or shipping game taken or killed outside of the premises used for propagating the same, under authority of a permit, or for the purpose of a second shipment of game from any such premises.

~~(6)~~ (5) The sale, purchase, or barter of any game bird or carcass thereof bearing shot marks or external wounds of any kind shall be prohibited, except that game birds obtained from the holder of a game farm permit which are shot in a hunting dog trial approved as a worthy training program by the commission and which were transported and tagged according to commission rules and regulations may be sold if permission for such sale is first obtained from the commission.

Each sale of aquatic organisms raised under a permit issued under sections 37-702 to 37-712 shall be recorded on duplicate invoices, one copy to be given to the purchaser, the other to be retained by the seller for at least two years.

Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 5. Section 37-719, Reissue Revised Statutes of Nebraska, is amended to read:

37-719. It shall be unlawful for any person, partnership, limited liability company, association, or corporation to import into the state or possess the animal known as the San Juan rabbit or any other species of wild vertebrate animal, not to include domesticated cervine animals as defined in section 54-701.03, declared by the commission following public hearing to constitute a serious threat to economic or ecologic conditions, except that the commission may authorize by specific written permit the acquisition and possession of such species for educational or scientific purposes. It shall also be unlawful to release to the wild any nonnative bird or nonnative mammal without written authorization from the commission. Any person, partnership, limited liability company, association, or corporation violating the provisions of this section shall be guilty of a Class IV misdemeanor.

Sec. 6. Section 54-701.03, Reissue Revised Statutes of Nebraska, is amended to read:

54-701.03. For purposes of sections 54-701 to 54-705 and 54-742 to 54-753.05:

(1) Animal ~~shall mean~~ means all vertebrate members of the animal kingdom except humans or uncaptured wild animals;

(2) Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained and raised in a confined area for breeding stock, exhibition, or companionship, or for the carcass, skin, or other part of such animal, but not for hunting or sport; ~~and~~

~~(2)~~ (3) Livestock ~~shall mean~~ means cattle, swine, sheep, horses, goats, domesticated cervine animals, ratite birds, and poultry; and

(4) Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary.

Sec. 7. Original sections 37-719 and 54-701.03, Reissue Revised Statutes of Nebraska, and sections 37-505, 37-703, 37-705, and 37-706, Revised Statutes Supplement, 1994, are repealed.".

(Signed) Merton L. Dierks, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1995, at 9:40 a.m., was the following bill: 137.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

February 28, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 28, 53, 64, 76, 86, 92, 96, 122, and 124 were received in my office on February 27, 1995; Engrossed Legislative Bill 137 was received on February 28, 1995.

These bills were signed by me on February 28, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 105A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 345A. Introduced by Jones, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 146A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 146, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 465A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, Ninety-fourth Legislature, First Session, 1995.

MOTION - Introduce New Bills

Mr. Abboud moved for the introduction of the claims bills, Req. 1272 and Req. 1273, by the Business and Labor Committee, pursuant to Rule 5, Section 4(c)2.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 534	Wednesday, March 8, 1995	1:30 p.m.
LB 181	Wednesday, March 8, 1995	1:30 p.m.
LB 374	Wednesday, March 8, 1995	1:30 p.m.

Governor Appointments Thursday, March 9, 1995 1:30 p.m.
  Central Interstate Low-Level Radioactive Waste Commission
    Craig Zeisler
    F. Gregory Hayden, Ph.D.

LB 103	Thursday, March 9, 1995	1:30 p.m.
LB 358	Thursday, March 9, 1995	1:30 p.m.
LB 579	Friday, March 10, 1995	1:30 p.m.
LB 685	Friday, March 10, 1995	1:30 p.m.
LB 88	Friday, March 10, 1995	1:30 p.m.
LB 247	Wednesday, March 15, 1995	1:30 p.m.
LB 317	Wednesday, March 15, 1995	1:30 p.m.
LB 98	Wednesday, March 15, 1995	1:30 p.m.
LB 731	Thursday, March 16, 1995	1:30 p.m.
LB 855	Thursday, March 16, 1995	1:30 p.m.

(Signed) Chris Beutler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 60. Introduced by Schrock, 38.

WHEREAS, the community of Campbell has hosted an annual Jaycees Road Rally for the past seventeen years; and

WHEREAS, the event has steadily grown in reputation and attendance since its inception; and

WHEREAS, the event has become the community of Campbell's Summer Festival, Barbecue, and Dance; and

WHEREAS, the event has had over eight thousand participants and has uniquely contributed to the exposure and tradition of the community of Campbell and Franklin County; and

WHEREAS, we should recognize the ingenuity of our state's communities in sponsoring events which continue to promote the good life we share in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the community of Campbell be declared the Road Rally Capital of Nebraska.
2. That a copy of this resolution be sent to Carl Meyer, Chairperson of the Village Board of Campbell, and Jay Meyer, President of the Campbell Jaycees.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 222. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 739. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bill Pound, Executive Director, NCSL, from Denver; 20 members of the Chamber of Commerce from Columbus; Senator Lindsay's sister, Alice Lindsay, from Omaha; and Renee Bittner and Judy Hellmers from Fremont.

The Doctor of the Day was David Hoetting from Pender.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SIXTH DAY - MARCH 1, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jim Thomason, Northwest Community Church, Malcolm, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Brashear, Chambers, Cudaback, Elmer, Engel, Lindsay, Pedersen, Will, Ms. Day, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 698. Placed on General File as amended.
Standing Committee amendment to LB 698:
AM0677

1. On page 2, lines 2 and 3, strike "not less than twenty and"; and in line 17 after the period insert "Members of the commission shall serve without compensation but may be reimbursed

for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.".

2. On page 2, lines 20 and 24; and page 3, lines 15 and 22, strike "shall" and insert "may".

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Mrs. Stuhr designates LB 68 as her priority bill.

MESSAGE FROM THE GOVERNOR

February 28, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Game and Parks.

APPOINTEES:
William R. Berryman, P.O. Box 2198, Kearney, NE 68847
Daniel J. Wallen, R.R. 4 Box 231, McCook, NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

MOTION - Introduce New Bills

Mr. Abboud renewed his pending motion, found in the Journal on page 941, for the introduction of the claims bills, Req. 1272 and Req. 1273, by the Business and Labor Committee, pursuant to Rule 5, Section 4(c)2.

Mr. Abboud moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Abboud motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 887. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 888. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

MOTION - Withdraw LB 768

Mr. Schellpeper renewed his pending motion, found in the Journal on page 851, to withdraw LB 768.

The Schellpeper motion prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Ms. Schimek and Mr. Avery asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following Governor appointments found in the Journal on page 835: Kevin L. Kelley, Craig L. Maas, and Clifford J. Walker - Nebraska Dry Bean Commission.

Voting in the affirmative, 25:

Abboud
Brown
Crosby
Dierks
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Kristensen
Landis
Lynch
Matzke
Maurstad
Pirsch
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Bernard-Stevens
Beutler
Bromm
Coordsen
Hartnett
Jensen
Jones
Robak
Wickersham
Witek
Withem

Excused and not voting, 13:

Avery
Bohlke
Brashear
Chambers
Cudaback
Day
Elmer
Lindsay
McKenzie
Pedersen
Robinson
Schimek
Will

These appointments were confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 852: Dale Tinstman - Research and Development Authority.

Voting in the affirmative, 27:

Abboud
Brown
Crosby
Dierks
Engel
Fisher
Hall
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Maurstad
Pirsch
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 9:

Bernard-Stevens
Beutler
Bromm
Coordsen
Hartnett
Jensen
Matzke
Robak
Wickersham

Excused and not voting, 13:

Avery
Bohlke
Brashear
Chambers
Cudaback
Day
Elmer
Lindsay
McKenzie
Pedersen
Robinson
Schimek
Will

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 57. Read. Considered.

LEGISLATIVE RESOLUTION 58. Read. Considered.

LEGISLATIVE RESOLUTION 60. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 57, 58, and 60 were adopted with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 16. Read. Considered.

Standing Committee amendment, AM0175, found in the Journal on page 739, was considered.

Mr. Hall renewed his pending amendment, AM0668, found in the Journal on page 926, to the Standing Committee amendment.

Messrs. Matzke, Coordsen, Warner, Landis, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

The Hall amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Witek offered the following amendment to the Standing Committee amendment:
AM0700

(Amendments to Standing Committee amendment, AM0175)

1. On page 3, line 23, after the period insert "The action plan shall not include any proposed changes to the Constitution of the United States.".

2. On page 4, line 19, after "reforms" insert "and not include any proposed changes to the Constitution of the United States".

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Pending.

ANNOUNCEMENT

Mr. Janssen designates LB 668 as his priority bill.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 479. Indefinitely postponed.
LEGISLATIVE BILL 800. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

General Affairs

LEGISLATIVE BILL 332. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM0705

(Amendments to Standing Committee amendments, AM 0185)

1. On page 1, line 17, before the period insert ", and at that time the money remaining in the Selective Enhancement for Economic Development Fund shall be returned to the General Fund and any money expended pursuant to subdivisions (1)(a) and (1)(b) of this section shall also be returned to the General Fund when repaid".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM0704

1. On page 4, line 13, after the period insert "No additional General Fund dollars shall be appropriated to the Selective Enhancement for Economic Development Fund after FY1996-97.".

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 113	Wednesday, March 8, 1995	1:30 p.m.
LB 243	Wednesday, March 8, 1995	1:30 p.m.
LB 260	Wednesday, March 8, 1995	1:30 p.m.
LB 507	Wednesday, March 8, 1995	1:30 p.m.
LB 588	Wednesday, March 8, 1995	1:30 p.m.
LB 141	Wednesday, March 8, 1995	1:30 p.m.
LB 457	Wednesday, March 8, 1995	1:30 p.m.
LB 812	Wednesday, March 8, 1995	1:30 p.m.
LB 513	Wednesday, March 8, 1995	1:30 p.m.

LB 220	Thursday, March 9, 1995	1:30 p.m.
LB 261	Thursday, March 9, 1995	1:30 p.m.
LB 315	Thursday, March 9, 1995	1:30 p.m.
LB 539	Thursday, March 9, 1995	1:30 p.m.
LB 544	Thursday, March 9, 1995	1:30 p.m.
LB 883	Thursday, March 9, 1995	1:30 p.m.
LB 746	Thursday, March 9, 1995	1:30 p.m.
LB 863	Thursday, March 9, 1995	1:30 p.m.
LB 797	Thursday, March 9, 1995	1:30 p.m.
LB 878	Thursday, March 9, 1995	1:30 p.m.
LB 67	Friday, March 10, 1995	1:30 p.m.
LB 104	Friday, March 10, 1995	1:30 p.m.
LB 617	Friday, March 10, 1995	1:30 p.m.
LB 750	Friday, March 10, 1995	1:30 p.m.
LB 884	Friday, March 10, 1995	1:30 p.m.

(Signed) John Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 16. The Witek pending amendment, AM0700, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mrs. Witek asked unanimous consent to replace her pending amendment, AM0700, with a substitute amendment.

Mr. Kristensen objected.

Mrs. Witek withdrew her amendment, AM0700.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM0723

(Amendments to Standing Committee amendments, AM0175)

1. On page 4, line 22, after the first period insert the following new subsection:

"(7) Adoption of this resolution does not constitute an application by the Legislature of Nebraska for the calling of a federal constitutional convention within the meaning of Article V of the Constitution of the United States.".

Mrs. Robak and Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

MOTION - Suspend Rules

Messrs. Janssen and Hall moved to suspend Rule 3, Section 13 to cancel the scheduled hearings for LB 506 and LB 823 on March 8, 1995 and to reschedule the hearing for each bill on March 2, 1995.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The Janssen-Hall motion to suspend the rules prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 335. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 85. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM0732

(Amendments to Standing Committee amendments AM 0175)

1. On page 3, line 23, after the period insert "Nothing in the action plan shall constitute an application by the states for the calling of a federal constitutional convention within the meaning of Article V of the Constitution of the United States.".

2. On page 4, line 19, after "reforms" insert "and not include the calling of a federal constitutional convention within the meaning of Article V of the Constitution of the United States".

Ms. Day asked unanimous consent to print the following amendment to LB 414 in the Journal. No objections. So ordered.

AM0639

(Amendments to Standing Committee amendments, AM0249)

1. On page 3, lines 15 and 16, strike "Medical practitioners" and insert "Except as provided in section 71-1,147.53, a medical practitioner"; in line 16 strike "engage" and insert "engages"; and in line 17 strike "charge" and insert

"charges".

Ms. Schimek asked unanimous consent to print the following amendment to LR 17CA in the Journal. No objections. So ordered.

AM0622

(Amendments to Standing Committee amendments, AM0265)

1. On page 2, line 4, after the period insert "A member of the Legislature shall be limited to the introduction of twelve bills during each legislative session.".

ANNOUNCEMENTS

Mr. Schmitt designates LR 6CA as his priority resolution.

Mr. Pedersen designates LB 275 as his priority bill.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 823	Thursday, March 2, 1995 (rescheduled)	1:30 p.m.
LB 506	Thursday, March 2, 1995 (rescheduled)	1:30 p.m.

(Signed) Ray Janssen, Vice Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LR 16. No objections. So ordered.

VISITORS

Visitors to the Chamber were Susie, Joshua, Justin, and Julia Thomason from Malcolm; Richard Pszanka, Jim McHugh, Milton Johnson, Michele Parks, Donald Graham, Jim Parks, Barb Lundgren, Linda Mai, and Lloyd Westerbuhr from Scottsbluff; 75 fourth grade students and sponsors from Hickory Hill Elementary, Papillion; Judy Olson and Truman Fahrenholz from Allen, Caryl Reed from Dakota City, Kay Maskell from Newcastle, Char Lahmann from Winnebago, and Harvey Relitz from Emerson; and Senator McKenzie's nephew, Nolan, and 40 fourth grade students and sponsors from Sutton.

The Doctor of the Day was Mike Myers from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Schrock, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SEVENTH DAY - MARCH 2, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Hugh Giesbrecht, First Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Robinson who were excused; and Messrs. Abboud, Bernard-Stevens, Beutler, Engel, Hall, Kristensen, Lindsay, Preister, Wehrbein, Wesely, Will, Ms. Day, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 309. Placed on General File.
LEGISLATIVE BILL 582. Placed on General File.

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE GOVERNOR

March 1, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed as the Director of Insurance for the Department of Insurance.

APPOINTEE:
Robert G. Lange, The Terminal Building, 941 "O" Street, Lincoln, NE 68508

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 1, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Crosby, Guenzel, Davis, Kessner & Kuester	
Wade, Rick G. - Lincoln	Better Nebraska Association
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Nebraska Telemarketing Coalition
Hood Jr., F. Malcolm - Baton Rouge, LA	TENNECO, Inc.
Kelley, Michael - Omaha	America First Capital Associates
Moors, H. Jack - Lincoln	Ag Processing, Inc.
	FirsTier Financial
	Nebraska Soybean Association
Mueller, William J./Knudsen Berkheimer Richardson	
Mueller, William J. - Lincoln	Pharmaceutical Research and Manufacturers of America
Ruth, Larry L./Knudsen Berkheimer Richardson	
Ruth, Larry L. - Lincoln	Pharmaceutical Research and Manufacturers of America
Skochdopole, R. A. - Omaha	Medical Liability Mutual Insurance Company

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 887 and 888 and Governor appointments.

LB	Committee
887	Business and Labor
888	Business and Labor

Berryman, William R. - Game and Parks Commission -- Natural Resources

Schnase, Larry - Power Review Board -- Natural Resources

Wallen, Daniel J. - Game and Parks Commission -- Natural Resources

The Legislative Council Executive Board submits the attached report on the rereferral of a Governor appointment.

Michel, Marilyn L. - Nebraska Investment Council -- Nebraska Retirement Systems

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 887	Monday, March 13, 1995	1:30 p.m.
LB 888	Monday, March 13, 1995	1:30 p.m.

(Signed) Chris Abboud, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 57, LR 58, and LR 60.

GENERAL FILE

LEGISLATIVE BILL 136A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 20A. Title read. Considered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 182A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 401A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 7 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 377. Title read. Considered.

Standing Committee amendment, AM0614, found in the Journal on page 919, was considered.

Mr. Schrock offered the following amendment to the Standing Committee amendment:
AM0686

(Amendments to Standing Committee amendments, AM0614)

1. On page 1, lines 11 and 12, strike "three-fourths" and insert "one-half".

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

SPEAKER WITHEM PRESIDING

Mr. Elmer requested a record vote on the Schrock amendment.

Voting in the affirmative, 19:

Avery
Bernard-Stevens
Bohlke
Bromm
Coordsen
Crosby
Cudaback
Dierks
Engel
Hudkins
Jones
Lynch
Maurstad
Pirsch

Schellpeper
Schmitt
Schrock
Stuhr
Witek

Voting in the negative, 20:

Beutler
Brown
Chambers
Day
Elmer
Fisher
Hall
Hartnett
Hillman
Janssen
Lindsay
McKenzie
Pedersen
Preister
Schimek
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 4:

Jensen
Landis
Matzke
Wesely

Excused and not voting, 6:

Abboud
Brashear
Kristensen
Robak
Robinson
Will

The Schrock amendment lost with 19 ayes, 20 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 523. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LEGISLATIVE BILL 781. Placed on General File.
LEGISLATIVE BILL 804. Placed on General File.
LEGISLATIVE BILL 806. Placed on General File.

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendment to LB 193:
AM0676

1. Strike original section 1 and insert the following new section:

"Section 1. Section 19-926, Reissue Revised Statutes of Nebraska, is amended to read:

19-926. (1) The planning commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the municipality and ~~who~~ shall be appointed by the mayor, by and with the approval of a ~~three-fourths vote of~~ majority vote of the members elected to the council or the village board. Two of ~~such~~ the regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. ~~Commencing on and after September 1, 1988, when there are~~ When there is a sufficient number of residents in the area over which the municipality exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If~~, on or after such date, or after~~ it is determined by the city council or village board that a sufficient number of residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, a ~~A~~ sufficient number of residents ~~for a village~~ shall mean: (a) For a village, two hundred residents; (b) for a city of the second class, five hundred residents; and (c) for a city of the first class, one thousand residents. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. ~~two hundred residents, for a city of the second class shall mean five hundred residents, and for a city of the first class shall mean one thousand residents.~~ All regular members of the commission shall serve ~~as such~~ without compensation and shall hold no other municipal office except when appointed to serve on the board of adjustment as provided in section 19-908. The term of each regular member shall be three years, except that three regular members of the first commission to be so appointed shall serve for ~~the term~~ terms of one year, three for ~~the term~~ terms of two years, and three for ~~a term~~ terms of three years. All regular members shall hold office until their successors are appointed. ~~All members~~ Any member may, after a public hearing before the council or village board, be removed by the mayor~~, by and~~ with the consent of a ~~three-fourths vote of~~ majority vote of the members elected to the council or village board for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the mayor.

(2) Notwithstanding the provisions of subsection (1) of this section, the planning commission for any city of the second class or village may have either five, seven, or nine regular members as the city council or village board of trustees establishes by ordinance. If a city or village planning commission has either five or seven regular members, approximately one-third of the regular members of the first commission shall serve for

terms of one year, one-third for terms of two years, and one-third for terms of three years.

(3) A city of the first or second class or a village may, by ordinance, provide for the appointment of one alternate member to the planning commission who shall be chosen by the mayor with the approval of a majority vote of the elected members of the council or village board. The alternate member shall serve without compensation and shall hold no other municipal office. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.".

LEGISLATIVE BILL 805. Placed on General File as amended.
Standing Committee amendment to LB 805:
AM0675

1. On page 2, line 19, strike "and thereafter" and insert "at such time as more than two hundred persons reside within such area. Thereafter".

LEGISLATIVE BILL 476. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Transportation

LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 185. Indefinitely postponed.
LEGISLATIVE BILL 813. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 381A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 381, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

MESSAGES FROM THE GOVERNOR

February 24, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Public Employees Retirement Board.

APPOINTEES:
Clark G. Nichols, 1902 Cheyenne Dr., Scottsbluff, NE 69361
Joseph B. Higgins, 5067 South 107th Street, Omaha, NE 68127

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

February 27, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Agricultural Land Valuation Advisory Board.

APPOINTEE:
Cliff Welsh, Route 1, Box 146, Brule, NE 69127

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LR 3CA in the Journal. No objections. So ordered.

AM0682

(Amendments to Final Reading copy)

1. On page 1, line 3, strike "general election in November" and insert "primary election in May".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM0506

1. Strike original section 10 and insert the following new section:

"Sec. 10. Section 60-311.11, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.11. (1) Plates issued pursuant to sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as the regular number plates issued pursuant to section 60-311.

(2) The following conditions shall apply to all personalized message license plates:

(a) County prefixes shall not be used;

(b) The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-311;

(c) A maximum of seven characters may be used, except that for motorcycles, a maximum of six characters may be used;

(d) The characters in the order used shall not conflict with or duplicate any license number used or to be used on the regular license plates or any license number or plate already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13;

(e) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(f) An applicant receiving a personalized message license plate for a commercial truck shall affix the appropriate tonnage sticker to such plate.

(3) The Department of Motor Vehicles shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.".

2. On page 18, line 4, strike "to 60-311.10" and insert ", 60-311.09, 60-311.11".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM0551

1. Insert the following new section:

"Sec. 6. Section 60-311, Revised Statutes Supplement, 1994, is amended to read:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16.

(5) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. Whenever a seven character personalized message license plate for a motorcycle is furnished to any person, a fee of fifty-five dollars shall be charged. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and

sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 6, line 12; and page 11, line 9, strike "13" and insert "14".

3. On page 18, line 2, strike "13" and insert "14"; and in line 5 after the comma insert "and section 60-311, Revised Statutes Supplement, 1994,".

4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Governor Appointment Friday, March 10, 1995 1:30 p.m.
Larry Schnase - Power Review Board

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

Governor Appointment Tuesday, March 14, 1995 (Cancel) 1:30 p.m.
Marilyn Michel - Nebraska Investment Council

(Signed) David Landis, Chairperson

General Affairs

Governor Appointments Monday, March 13, 1995 1:30 p.m.
Gretchen Peters - Nebraska Arts Council
Ann O'Hara - Nebraska Arts Council

(Signed) Stan Schellpeper, Chairperson

ANNOUNCEMENT

Ms. Schimek designates LB 337 as her priority bill.

GENERAL FILE

LEGISLATIVE BILL 377. Mr. Warner and Mrs. McKenzie offered the following amendment to the pending Standing Committee amendment:

FA73

Amend AM0614

1. On page 1, line 16, strike "grower" and insert "seller", on line 18 after "purchaser" insert "in Nebraska", and on line 22 after "tax" insert "imposed by this section"

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner-McKenzie amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Messrs. Cudaback and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendment, AM0418, printed separately from the Journal and referred to on page 775, was considered.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 377.

(Signed) Doug Kristensen

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 827. Placed on General File.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 65, 83, 83A, 93, 119, 412, 501, and 502.

(Signed) David I. Maurstad, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 414A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 448A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 449A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 449, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 563A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 460A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 460, Ninety-fourth Legislature, First Session, 1995.

RESOLUTION

LEGISLATIVE RESOLUTION 61. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine all aspects of the Nebraska Liquor Control Act, to include, but not be limited to, the following:

1. Is the current structure of regulating alcoholic beverages in the best interest of the consumer?
2. Are the current statutes relating to alcoholic beverages consistent with the principles of free enterprise?
3. Do the current statutes provide an unfair competitive advantage to certain business entities?
4. Should the current regulatory structure respond differently to different types of alcoholic beverages?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MRS. CROSBY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 307. The Avery pending amendment, AM0354, found in the Journal on page 727 and considered on page 935, was renewed.

Messrs. Beutler, Wehrbein, and Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

Pending.

WITHDRAW - Cointroducer

Mr. Bromm withdrew his name as cointroducer to LB 166.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM0753

(Amendments to Standing Committee amendment, AM0175)

1. On page 3, line 23, after the period insert "The action plan shall not include any proposals to amend the Constitution of the United States.".
2. On page 4, line 19, after "reforms" insert "and not include any proposals to amend the Constitution of the United States".

ANNOUNCEMENTS

The Health and Human Services Committee designates LB 406 as its priority bill.

Mrs. Bohlke designates LB 455 as her priority bill.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE RESOLUTION 40CA. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

VISITORS

Visitors to the Chamber were Mary Crawford from Alliance, Jim Merrigan and Chuck Hibberd from Scottsbluff, Ron Moore from Gering, and Bruce Gaarder from Morrill.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Avery, the Legislature adjourned until 9:00 a.m., Monday, March 6, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-EIGHTH DAY - MARCH 6, 1995

LEGISLATIVE JOURNAL

THIRTY-EIGHTH DAY - MARCH 6, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 6, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Ed Danitschek from Pohocco Lutheran Church, Fremont, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear and Mrs. Pirsch who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Coordsen, Engel, Hall, Kristensen, Lindsay, Schrock, Warner, Wickersham, Will, Mmes. Hillman, Hudkins, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 77, 94, 144A, 147, 158, 182, 222, 240, 259, 270, 271, 288, 297, 305, 334, 366, 369, 369A, 411, 420, and 452.

Enrollment and Review Change to LB 182

The following changes, required to be reported for publication in the Journal, have been made:
ER9017

1. In the E & R amendment, AM7038, on page 2, line 2, "fuels" has been struck and "taxes" inserted; in line 3 "21-330," has been inserted after "sections"; in line 10 "to provide for refunds of and eliminate obsolete provisions relating to occupation taxes and fees;" has been inserted after the semicolon; and in line 16 "66-1215, 66-1217, 66-1218, 66-1220, and 66-1222 to 66-1224, Reissue Revised Statutes of Nebraska, and sections" has been inserted after the second "sections".

2. In the Standing Committee amendment, AM0095:

a. On page 38, line 15, "50" has been struck and "51" inserted; and

b. On page 58, line 11, "50" has been struck and "51" inserted; in line 12 the matter beginning with "38" through "73" and all amendments thereto have been struck and "21, 39 to 41, 43, 56 to 60, 69, 71, 73, and 74" inserted; and in line 22 "21-330," has been inserted after "sections".

Enrollment and Review Change to LB 288

The following changes, required to be reported for publication in the Journal, have been made:
ER9020

1. On page 4, line 19, an underscored comma has been inserted after "prepaid".

Enrollment and Review Change to LB 452

The following changes, required to be reported for publication in the Journal, have been made:
ER9018

1. Because of the amendment of section 85-1517 by section 1, Legislative Bill 268, Ninety-fourth Legislature, First Session, 1995:

a. Original section 34 has been struck and the remaining sections renumbered accordingly; and

b. On page 1, line 3; and page 37, lines 8 and 9 "79-2210, and 85-1517" has been struck and "and 79-2210" inserted.

2. In the Standing Committee amendments, AM0123, on page 2, line 5, the comma has been struck.

3. In the E & R amendments, AM7037, amendment 1 has been struck.

4. On page 1, line 10 "a provision" has been struck and "and change provisions" inserted.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 725. Placed on General File as amended.
Standing Committee amendment to LB 725:

AM0726

1. Strike original section 2 and insert the following new sections:

"Section 1. Section 15-846, Reissue Revised Statutes of Nebraska, is amended to read:

15-846. For the security of the funds deposited as provided in section 15-845 the city treasurer shall require each depository to give bond for the safekeeping and payment of such deposits and the accretions ~~thereof~~ to the deposit, which bond shall run to the city and be approved by the ~~mayor~~ city attorney for form and legality. Such bond shall be conditioned that such a depository shall, at the end of every quarter, render to the treasurer a statement in duplicate showing the several daily balances, the amount of money of the city held by it during the quarter, the amount of the accretion ~~thereto~~ to the deposit, and how credited. The bond shall also be conditioned that the depository shall pay such deposit and the accretion when demanded by the city treasurer at any time, ~~generally do and~~ perform ~~whatever may be required~~ as required by sections 15-845 to 15-847, and faithfully discharge the trust reposed in such depository. Such bond shall be as nearly as practicable in the form provided in section 77-2304. No person in any way connected with any depository as officer or stockholder shall be accepted as a surety on any bond given by the depository of which he or she is an officer or stockholder. Such bond shall be deposited with the city clerk. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 2. Section 15-847, Revised Statutes Supplement, 1994, is amended to read:

15-847. In lieu of the bond required by section 15-846, any bank or capital stock financial institution making application to become a depository may deposit or pledge as security with the city treasurer (1) United States Government bonds, (2) bonds of the State of Nebraska or bonds of any state the bonds of which are purchased by the Board of Educational Lands and Funds of this state for investment of the permanent school fund, (3) warrants of the State of Nebraska, (4) county bonds, municipal bonds, or school district bonds of any county, city, village, or school district in the State of Nebraska issued under the direction of and with the approval of the Auditor of Public Accounts, (5) bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, (6) loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture, ~~or~~ (7) warrants of the county or any city, village, or school district in the county, or (8) mortgage-backed securities issued by either the Federal Home Loan Mortgage Corporation or the Federal National Mortgage

Association. The penal sum of such bond or the sum of such pledge of assets may be reduced in the amount of such deposit insured by the Federal Deposit Insurance Corporation. The depository depositing or pledging securities described in this section shall have the right to substitute other approved securities as provided in this section in lieu of securities already pledged if it so desires at any time. The depository may at its option deposit or make the pledge of securities authorized in this section in the manner provided in section 77-2328. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 3. Section 15-848, Reissue Revised Statutes of Nebraska, is amended to read:

15-848. The city treasurer shall not have on deposit in any bank or capital stock financial institution at any time more than the maximum amount of the bond given by such financial institution if the financial institution gives a surety bond, nor in any financial institution giving a personal bond, more than one-half of the amount of the bond of such financial institution. The amount on deposit plus accretions at any time with any such financial institution shall not in either case exceed the paid-up capital stock and surplus of such financial institution or more than ~~ninety~~ ninety-eight percent of the ~~par~~ market value of the securities pledged or furnished by such financial institution when the financial institution pledges or deposits approved securities in lieu of a bond. The city treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond shall have been duly approved by the ~~mayor~~ city attorney as provided by section 15-846 or which has, in lieu of a surety bond, pledged or deposited approved securities as provided by section 15-847. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 5. Original sections 15-846, 15-848, and 77-2306, Reissue Revised Statutes of Nebraska, and section 15-847, Revised Statutes Supplement, 1994, are repealed.".

2. On page 2, line 13, strike "securities" and insert "bonds or obligations"; and in line 14 strike "securities" and insert "obligations,".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 631. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 136A. Placed on Select File.
LEGISLATIVE BILL 20A. Placed on Select File.

LEGISLATIVE BILL 182A. Placed on Select File.
LEGISLATIVE BILL 401A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 47. Placed on General File as amended.
Standing Committee amendment to LB 47:
AM0745

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 15, after "jurisdiction" insert "that would allow admission" and after "current" insert "school"; in line 16 strike "testing" and insert "assessment"; and in line 17 strike "State Board of Education" and insert "board of education".

LEGISLATIVE BILL 148. Placed on General File as amended.
Standing Committee amendment to LB 148:
AM0744

1. Strike original section 3 and insert the following new sections:

"Sec. 3. In addition to other criteria for denial of employment, a school district, an educational service unit, or the governing body of a nonpublic school approved or accredited by the State Department of Education may deny employment to any applicant who has been convicted of an offense which bears a reasonable and rational relationship to employment in a position working with students. In reviewing a conviction of an applicant, the school district or other hiring entity shall take into consideration (1) the facts and circumstances surrounding a conviction, (2) the type of offense and the sentence imposed, (3) the date of the offense, (4) the age of the applicant at the time of the offense, and (5) the applicant's conduct and positive social contributions since the offense.

Sec. 8. This act becomes operative July 1, 1995.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 1; and page 3, line 28, after "district" insert ", educational service unit,".

3. On page 2, strike beginning with "The" in line 26 through line 28.

4. On page 3, strike lines 1 through 3; and in line 4 strike "Nebraska State Patrol." and strike "requester" and insert "school district or other requesting entity".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 624. Placed on General File as amended.
Standing Committee amendment to LB 624:
AM0756

1. Insert the following new sections:

"Section 1. Section 32-542, Revised Statutes Supplement, 1994, is amended to read:

32-542. Three school board members shall be elected for each Class II school district at each statewide ~~primary~~ general election, except that when a Class II school district is created by a Class I school district which determines by a majority vote to establish a high school pursuant to section 79-701, a six-member board shall be elected at the next statewide ~~primary~~ general election and the three members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years. Each member's term of office shall begin on the ~~first Tuesday in June following his or her election~~ date of the first regular meeting of the board in January following the statewide general election and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The terms of board members holding office on the effective date of this act shall be extended to the first regular meeting of the board in January following the statewide general election. The school board members of a Class II school district shall meet the qualifications found in section 79-443.01.

Sec. 12. Section 79-701, Reissue Revised Statutes of Nebraska, is amended to read:

79-701. (1) A Class II school district shall be created whenever a Class I school district determines by a majority vote of the qualified voters at an annual or special meeting to establish a high school.

The members of the school board serving when it is decided to establish a high school shall continue in office until the ~~first Tuesday in June following the next statewide primary election~~ first regular meeting of the board in January following the statewide general election. The Class II school district board shall be elected pursuant to section 32-542.

(2)(a) If a Class II school district, by a vote of fifty-five percent of the qualified voters voting at an annual or special meeting, decides to discontinue the high school and close the same, the school district shall thereupon become a Class I school district on the date designated by such voters. At such meeting a decision shall be made as to when the new school board shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children who are five through twenty years of age. The school board of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

(b) If the new school board is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for terms of three years each. All officers so elected shall hold their offices until successors are elected and qualified. After such change becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

(c) If the new school board is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in section 32-541 or as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual school meeting or at a special school meeting called for the purpose of electing school district officers.

(3) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine through twelve. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.".

2. On page 6, line 1, after the period insert "When area is added to a Class II, III, IV, or V affiliated school system or when affiliated area of a Class I district which is entirely or partially within an affiliated school system is taken from an affiliated school system, the high school district as defined in section 79-101.02 of the affiliated school system shall be deemed an affected school district."; in line 3 after "districts" insert "or affiliated school systems"; and in line 10 after "each" insert "affected school district's".

3. On page 21, lines 20 and 23, reinstate the stricken matter; in line 24 reinstate the stricken matter beginning with "and" through "a"; and in line 25 before "shall" insert "dangerous weapon, other than a firearm,".

4. On page 22, line 6, strike "weapon" and insert "firearm".

5. On page 23, strike beginning with the comma in line 26 through the period in line 27, show as stricken, and insert an underscored period.

6. On page 31, line 5, strike "school" and insert "the

school year".

7. On page 32, line 5, after "application" insert "to the school board or board of education of the option school district".

8. On page 36, line 3, before "79-810" insert "79-701,"; and in line 5 after the second comma insert "and section 32-542, Revised Statutes Supplement, 1994,".

9. Renumber the remaining sections and correct internal references accordingly.

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENTS

Mr. Matzke designates LB 712 as his priority bill.

Mr. Abboud designates LB 178 as his priority bill.

COMMUNICATIONS

March 1, 1995

Patrick O'Donnell
Clerk of the Legislature
Rm 2018, State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943, Legislative approval is requested for the following projects to be funded by revenue bond issues.

1. Beta Sigma Psi Fraternity House. The University completed the purchase of the Beta Sigma Psi Fraternity House on December 14, 1994. The use of a Bond Anticipation Note for temporary financing for this acquisition was approved by the Executive Board of the Legislative Council on December 13, 1994. A copy of the approval is attached.

   Request. The University requests approval for the issuance of $430,000 of revenue bonds to retire the Bond Anticipation Note used for interim financing of this project.

2. Vine Street Family Student Housing. The University proposes to purchase and remodel an existing apartment complex for use as UNL City Campus family student housing. The complex consists of two structures and has 54 units totalling approximately 60,480 gross square feet. The estimated project cost for the purchase and

remodel is $1,805,400. Revenue bonds and bond reserves are proposed as the source of funding.

Request. The University requests approval for purchase and renovation of the Vine Street apartments through the issuance of $1,500,000 in revenue bonds and $305,400 in bond reserves.

The Board of Regents authorized this project at its December 10, 1994, meeting. The Coordinating Commission for Post Secondary Education recommended this project for approval at its meeting on February 28, 1995.

3. Neihardt Residence Hall Complex Air Conditioning. The University proposes to install air conditioning and upgrade the heating system in the Neihardt Residential Hall Complex on the UNL City Campus. The project is estimated to cost $530,000. A new revenue bond issue is proposed as the source of funding.

   Request. The University requests approval of financing for this project through the issuance of $530,000 of revenue bonds.

   The Board of Regents authorized this project at its December 10, 1994, meeting. The Coordinating Commission for Post Secondary Education recommended this project for approval at its meeting on February 28, 1995.

4. Parking Lot Improvements. The University proposes to pave and provide storm drainage for 16 existing gravel parking lots on the UNL City and East Campuses, to provide additional parking lot/street lighting, and to install a sidewalk along a portion of the UNL East Campus Loop Road. These projects are estimated to cost $2,200,000. A new parking revenue bond issue is proposed as the source of funding.

   Request. The University requests approval of financing for this project through the issuance of $2,200,000 of revenue bonds.

   The Board of Regents authorized this project at its December 10, 1994, meeting. The Coordinating Commission for Post Secondary Education recommended this project for approval at its meeting on February 28, 1995.

For your convenience I have attached to this letter a copy of a February 28, 1995 letter from the Coordinating Commission for Postsecondary Education notifying us of the approval of projects listed above under items (2), (3) and (4).

If you would like copies of the Program Statements for these projects or other detailed information, please let me know.

Sincerely,
(Signed) James B. Milliken
Vice President for External Affairs
and Corporation Secretary

cc James Van Horn
Graham Spanier

March 6, 1995

Senator Tim Hall
Chair - Executive Board
2010 State Capitol Bldg.
Lincoln, NE 68509

Dear Senator Hall:

Enclosed is correspondence I received from Mr. James B. Milliken, Vice President for External Affairs and Corporation Secretary of the Board of Regents. The communication involves a resolution authorizing the use of revenue bonds for the following proposals: Beta Sigma Psi Fraternity House (to retire the Bond Anticipation Note used for interim financing of the project), UNL City Campus Neihardt Residence Hall Complex Air Conditioning, UNL Vine Street Family Student Housing Acquisition/Remodel, and UNL city and East Campus Parking Lot Improvements.

I am forwarding this correspondence to you for reference to the appropriate standing committee.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

Enc.

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 68. Title read. Considered.

Ms. Schimek offered the following amendment:
AM0776

1. On page 2, line 1, before "Notwithstanding" insert "(1)"; in line 18 before "plan" insert "health benefit"; and in line 19 after "policy" insert "or health benefit plan".

2. On page 3, line 3, after the period insert "Screening mammography shall be performed by a mammogram supplier who meets the standards of the federal Mammography Quality Standards Act of 1992.".

The Schimek amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

Mr. Hartnett designates LB 300 as his priority bill.

NOTICE OF COMMITTEE HEARING
Appropriations

Tuesday, March 21, 1995, Room 1520 7:00 p.m.
State Employee Salary Increase

(Signed) Roger R. Wehrbein, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 277. Placed on General File as amended.
Standing Committee amendment to LB 277:
AM0755

1. Insert the following new section:

"Sec. 9. Section 77-2715.07, Revised Statutes Supplement, 1994, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code;

(b) A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and

(c) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a nonrefundable credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; ~~and~~

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income; and

(c) A credit for new or expanding qualifying businesses as provided in the New Jobs Training Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(3) There shall be allowed as a credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; ~~and~~

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act; and

(c) A credit to all estates and trusts for new or expanding qualifying businesses as provided in the New Jobs Training Act.

(4) There shall be allowed to any health care provider a nonrefundable credit equal to the amount of tax paid under the Health Care Provider Income Tax Act.".

2. On page 5, lines 13 and 23, strike "corporate"; and in line 23 after "(2)" insert "If the qualifying business fails to achieve or maintain the number of new employees or carry out the training program as agreed to the agreement or otherwise breaches any substantial provision of the agreement, all income tax credits granted to the qualifying business under this section shall be recaptured. If it is found that the income tax credits granted to the qualifying business under this section exceed the allowable limits in this section, the amount of the credits which is in excess of the allowable amount shall be recaptured. Any amount required to be recaptured shall be deemed to be an underpayment of tax, shall be immediately due and payable, and shall constitute a lien on the assets of the company. Interest accrues from the date the income tax credit certificate is issued. Penalties do not accrue until ninety days after the requirement for recapture becomes known or should have become known to the qualifying business.

(3)".

3. On page 6, line 2, after the semicolon insert "and"; strike beginning with the semicolon in line 4 through "agreement" in line 8.

4. On page 7, line 24, strike "section" and insert "sections 77-2715.07 and"; and in line 25 strike "is" and insert "are".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 682. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

General Affairs

LEGISLATIVE BILL 328. Placed on General File.
LEGISLATIVE BILL 762. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

GENERAL FILE

LEGISLATIVE BILL 668. Title read. Considered.

Standing Committee amendment, AM0534, found in the Journal on page 830, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 6CA. Read. Considered.

Standing Committee amendment, AM0475, found in the Journal on page 821, was considered.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Dierks requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 26:

Abboud
Bernard-Stevens
Beutler
Bohlke
Coordsen
Day
Elmer
Fisher

Hall
Hartnett
Janssen
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 12:

Bromm
Crosby
Cudaback
Dierks
Engel
Jensen
Jones
Schmitt
Schrock
Stuhr
Vrtiska
Witek

Present and not voting, 6:

Avery
Brown
Chambers
Hudkins
Matzke
Schellpeper

Excused and not voting, 5:

Brashear
Hillman
Pirsch
Robak
Wickersham

The Standing Committee amendment was adopted with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Ms. Schimek offered the following amendment:
AM0811

1. In the Standing Committee amendment, AM0475:

a. On page 1, line 12, strike "eight" and insert "twelve"; and in line 16 strike "twelve" and insert "eighteen";

b. On page 2, line 26, strike "six" and insert "ten"; and

c. On page 3, line 17, strike "twelve" and insert "eighteen".

Ms. Schimek moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Schimek amendment was adopted with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke offered the following amendment:
FA74

Amend AM0475
on page 1, line 13, strike "Governor" and insert, "President"
on line page 1, line 17, strike "Governor" and insert, "President"

page 1, line 27, strike "Governor", insert "President"
pg 3, line 27, strike "Governor", insert "President"
pg 3, line 3, strike "Governor", insert "President"
pg 4, line 11, strike "Governor", insert "President"
pg 4, line 15, strike "Governor", insert "President"
pg 4, line 22, strike "Governor", insert "President"
pg 4, line 25 strike "Governor", insert "President"

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 136, 401, and 402.

Enrollment and Review Change to LB 401

The following changes, required to be reported for publication in the Journal, have been made:
ER9019

1. Because of the amendment of section 79-444, Reissue Revised Statutes of Nebraska, by LB 214, Ninety-fourth Legislature, First Session, 1995:

a. In the E & R amendments, AM7046:

i. Section 42 has been struck and the following new section inserted:

"Sec. 42. Section 79-444, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 214, Ninety-fourth Legislature, First Session, 1995, is amended to read:

79-444. (1) Except as provided in subsection (2) of this section, the board of education of any school district shall not admit any child into the kindergarten or beginner grade of any school of such school district unless such child has reached the age of five years or will reach such age on or before October 15 of the current year.

(2) The board of education may admit a child who will reach the age of five between October 16 and February 1 of the current school year if the parent or guardian requests such entrance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction in the current school year or (b) the family anticipates a relocation to another jurisdiction within the current year.

(3) The board of education may require a birth certificate prior to entrance of a child into the beginner grade and shall require evidence of a physical examination by a physician, physician assistant, or nurse practitioner within six months prior to the entrance of a child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade of the local school, except that no such physical examination shall be required of any child whose parent or

guardian objects in writing. The cost of such physical examination shall be borne by the parent or guardian of each child who is examined.

(4) Any board of education in its discretion may (a) establish and financially support programs, including programs providing before-and-after-school or preschool services, to which attendance shall be voluntary and which the board may deem beneficial to the education of prekindergarten or school-age children and (b) provide or financially support transportation for children to, from, or to and from ~~early childhood~~ programs as defined in section 71-1910. The board may charge a fee, not to exceed the actual cost, for providing such programs and services but may waive such fee on the basis of need. This section shall not be construed to allow any school district to fail to meet its responsibilities under the Special Education Act."; and

ii. On page 47, line 17, "79-444," has been struck; in line 18 the second "and" has been struck; and in line 21 "and section 79-444, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 214, Ninety-fourth Legislature, First Session, 1995," has been inserted after the last comma; and

b. On page 1, line 4, "79-444," has been struck; in line 5 "and" has been struck; and in line 9 ", and section 79-444, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 214, Ninety-fourth Legislature, First Session, 1995" has been inserted after "1994".

Enrollment and Review Change to LB 402

The following changes, required to be reported for publication in the Journal, have been made:
ER9021

1. In the Standing Committee amendment, AM0156, on page 1, line 14, "license" has been struck.
2. On page 4, line 1, "; (4)" has been struck and ", (5)" inserted; in line 5 "(5)" has been struck and "(6)" inserted; and in line 6 "(4)" has been struck and "(5)" inserted.

(Signed) David I. Maurstad, Chairperson

ANNOUNCEMENTS

Mr. Jones designates LB 168 as his priority bill.

Mr. Coordsen designates LB 37 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 130A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, Ninety-fourth Legislature, First Session, 1995.

RESOLUTIONS

LEGISLATIVE RESOLUTION 62. Introduced by Robinson, 16.

WHEREAS, what many regard as the "greatest feat in World War II" occurred between 3:50 p.m. and 4:00 p.m. March 7, 1945, when the 9th Armored Division of Company A, 1st Battalion, 27th Armored Infantry Regiment of the United States Army crossed the Rhine River at Ludendorff Bridge near Remagen, Germany; and

WHEREAS, this crossing gave the Allied Forces in Europe control of a key strategic position in their drive to conquer Nazi forces; and

WHEREAS, General Dwight D. Eisenhower later described the ten minutes between 3:50 and 4:00 p.m. on March 7, 1945, "the most momentous in combat history"; and

WHEREAS, this crossing took place in the face of Nazi forces' attempts to destroy the bridge with explosives, thereby posing great danger to the 9th Armored Division; and

WHEREAS, Lt. Karl Timmermann of West Point, Nebraska, led the American forces which seized Ludendorff Bridge at Remagen March 7, 1945; and

WHEREAS, in the twenty-four hours after Lt. Timmermann and his forces secured Ludendorff Bridge, nearly eight thousand troops were able to cross to the eastern bank of the Rhine, thereby expanding the bridgehead; and

WHEREAS, prior to this action at Remagen, Lt. Timmermann fought at the Battle of the Bulge in 1944, where he was wounded; and

WHEREAS, for his leadership, courage, and service to his country, Lt. Timmermann was awarded the Distinguished Service Cross; and

WHEREAS, March 7, 1995, marks the fiftieth anniversary of the 9th Armored Division's and Lt. Timmermann's heroic action; and

WHEREAS, churches in West Point, Nebraska, will ring their bells between 3:50 and 4:00 p.m. on March 7, 1995, in recognition of Lt. Timmermann's role in the decisive feat at Remagen; and

WHEREAS, Governor Ben Nelson has declared March 7, 1995, Lt. Karl H. Timmermann Day in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Karl Timmermann for his heroic action in World War II.
2. That a copy of this resolution be sent to the Mayor of the City of West Point, Nebraska, and to the Editor of The West Point News.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Elmer, 44.

WHEREAS, the Cambridge girls' basketball team won the Class C-2 Girls' State Basketball Championship and secured its third championship in three years; and

WHEREAS, the Trojans have had seventy-three straight wins, the longest girls' winning streak in state history; and

WHEREAS, the accomplishments of the Cambridge girls' basketball team deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Cambridge girls' basketball team and the parents and supporters.
2. That a copy of this resolution be sent to the Cambridge girls' basketball team and Coach Bob Tomlin.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Engel, 17.

WHEREAS, the South Sioux City Lady Cardinals basketball team won the 1995 Class B Girls' State Basketball championship; and

WHEREAS, the members of the South Sioux City Lady Cardinals have complemented their talents with the characteristics of sportsmanship, determination, and diligence throughout the year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and the coaches, parents, and supporters.
2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals basketball team head coach, Kelly Flynn.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM0771

(Amendments to Standing Committee amendments, AM0321)

1. Insert the following new sections:

"Sec. 8. The receiver, in its discretion, may, but shall not be required to, defend any claim, suit, or action against the receiver or the health care facility arising out of conditions, actions, or circumstances occurring or continuing at the health care facility after the appointment of the receiver. The receiver in its discretion may, but shall not be required to, defend any licensure certification or injunction action initiated by the department after its appointment. The receiver shall not appeal or continue the appeal of any licensure or certification action initiated by the department against the health care facility before the appointment of the receiver. The receiver shall cooperate with the owner or operator in any defense undertaken by the owner or operator against any claim, suit, or action against them or the health care facility, including, but not limited to, any licensure, certification, or injunctive action taken by the department.

Sec. 9. The department may inspect the health care facility at any time during the receivership and the receiver shall cooperate with the department in any such inspection. All records required by federal or state statutes and regulations shall be kept on the premises of the health care facility and shall be available for inspection and copying by any authorized employee of the department.".

2. Insert the following new amendments:

"3. On page 4, line 14, after the period insert 'If the court determines the department did not have probable cause to submit the affidavit in support of the appointment of the temporary receiver, the court shall have the jurisdiction to determine and award compensatory damages against the state to the owner or operator.'.

4. On page 5, strike beginning with 'A' in line 22 through the period in line 24 and insert 'The appointment of the receiver shall not affect the rights of the owner or operator to defend against any claim, suit, or action against such owner or operator or the health care facility, including, but not limited to, any licensure, certification, or injunctive action taken by the department.'.

5. On page 6, line 4, after 'revenue' insert 'and current assets'; strike beginning with 'Be' in line 15 through 'receivership' in line 17 and insert 'Be responsible for the payment of taxes against the health care facility which become due during the receivership, including property taxes, sales and use taxes, withholding, taxes imposed pursuant to the Federal Insurance Contributions Act, and other payroll taxes, but not including state and federal taxes which are the liability of the owner or operator'; in line 24 after 'and' insert 'necessary and appropriate'; and in line 26 strike 'Provide' and insert 'Upon order of the court, provide'.

7. On page 10, line 8, after 'receiver' insert 'and any related receivership expenses'; strike beginning with 'The' in line 20 through the period in line 21 and insert 'The receiver is liable in his, her, or its personal capacity for intentional wrongdoing or

gross negligence.'; and in line 28 after 'defend' insert 'or arrange for the defense of' and after 'receiver' insert 'personally'.".

3. On page 6, line 18, strike "11" and insert "13".

4. On page 7, line 26, strike "19" and insert "21".

5. Renumber the remaining amendments accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM0800

1. Insert the following new sections:

"Section 1. Section 71-612, Revised Statutes Supplement, 1994, is amended to read:

71-612. (1) The Director of Health, as the State Registrar, through the Department of Health shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage registered. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and ~~such~~ other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7) of this section, the department shall be entitled to charge and collect in advance a fee of ~~seven~~ (a) nine dollars until July 1, 1999, and (b) seven dollars on July 1, 1999, and thereafter, to be paid by the applicant for each certified copy supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record, whether or not the record is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record on file with the department upon the request of (a) the United States Department of Veterans Affairs or any lawful service organization empowered to represent veterans if the copy of the record is to be issued, for the welfare of any member or veteran of the armed forces of the United States or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation or (b) the Military Department.

(3) The Department of Health may, free of charge, search for and furnish a certified copy of any record on file with the department when in the opinion of the director of vital statistics it would be a hardship for the claimant of old age, survivors, or

disability benefits under the Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the department. Such funds shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund. Money credited to the fund pursuant to this section shall be used for the purpose of administering the laws relating to vital statistics and may be used to create a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the petty cash fund shall not be less than twenty-five dollars nor more than one thousand dollars.

(5) The department shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any inhospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that ~~such~~ the fee shall not exceed two dollars per individual search or copy requested.

(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under ~~such~~ security provisions ~~as~~ which shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs.

(7) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for access to or a certified copy of any such record, whether or not the record is found on file with the department. Any county containing a city of the metropolitan class which has an established city-county or county health department pursuant to sections 71-1626 to 71-1636 which has an established system of registering births and deaths shall charge and collect in advance a fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for such record, whether or not the record is found on file with the county. All such fees collected shall be remitted to the State Treasurer for credit to the General Fund.

(8) The department shall not charge other state agencies

the fees authorized under subsections (1) and (7) of this section for automated review of any certificates. The department shall charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

Sec. 2. Section 71-617.15, Revised Statutes Supplement, 1994, is amended to read:

71-617.15. The Department of Health shall charge and collect a fee of ~~seven~~ (1) nine dollars until July 1, 1999, and (2) seven dollars on July 1, 1999, and thereafter, for each delayed birth certificate application when submitted. Upon request and payment of the fee required by section 71-612, a certified copy of such a certificate shall be furnished by the Director of Health through the Bureau of Vital Statistics. All such fees shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612. The department shall charge and collect an additional fee of one dollar for each delayed birth certificate. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 3. Section 71-627, Revised Statutes Supplement, 1994, is amended to read:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of ~~seven~~ (1) nine dollars until July 1, 1999, and (2) seven dollars on July 1, 1999, and thereafter, charged for each certificate filed. All such fees shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612. Upon request and the payment of the fee prescribed by section 71-612, ~~for the same,~~ a certified copy of such a certificate may be furnished by the Director of Health through the Bureau of Vital Statistics. The department shall charge and collect an additional fee of one dollar for each certificate furnished. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 4. Section 71-628, Revised Statutes Supplement, 1994, is amended to read:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of such child's parents as provided in section 43-1406, the Bureau of Vital Statistics, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the parents acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births, and shall charge a filing fee of ~~seven~~ (1) nine dollars until July 1, 1999, and (2) seven dollars on July 1, 1999, and thereafter. The department shall charge and collect an additional fee of one dollar for each new certificate of birth prepared. ~~Such~~ The fees collected shall be remitted to the State

Treasurer for credit to the General Fund.

Sec. 5. Section 71-634, Revised Statutes Supplement, 1994, is amended to read:

71-634. The Department of Health shall charge and collect a fee of ~~seven~~ (1) nine dollars until July 1, 1999, and (2) seven dollars on July 1, 1999, and thereafter, for each proceeding under sections 71-630 and 71-635 to 71-644. The department shall collect the fee prescribed by section 71-612 for a certified copy of the amended record. All fees so collected shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612.

Sec. 6. It is the intent of the Legislature that the temporary two-dollar increase prescribed in sections 1 to 5 of this act shall be used to fund the acquisition of an imaging system for the records of the Bureau of Vital Statistics of the Department of Health.

Sec. 28. Section 81-2266, Reissue Revised Statutes of Nebraska, is amended to read:

81-2266. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services and any other appropriate state agencies to establish a pilot project to prevent premature institutionalization of nursing facility medicaid-eligible applicants sixty-five years of age and older through preadmission screening. The Department on Aging shall examine the preadmission screening process utilized by the Department of Public Institutions and shall utilize such process as is appropriate. The agencies shall determine an urban area and a rural area for demonstration of the project. The pilot project shall be targeted toward areas of Nebraska with high nursing facility utilization. The Department of Social Services shall use the preadmission screening services of the pilot project in the demonstration areas.

This section shall terminate on June 30, ~~1995~~ 1997.".

2. On page 31, line 28, strike "and 81-646" and insert "81-646, and 81-2266".

3. On page 32, line 1, after "sections" insert "71-612, 71-617.15, 71-627, 71-628, 71-634," and before the last "and" insert a comma.

4. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 569. Placed on General File.
LEGISLATIVE BILL 598. Placed on General File.
LEGISLATIVE BILL 691. Placed on General File.

LEGISLATIVE BILL 371. Placed on General File as amended.

Standing Committee amendment to LB 371:
AM0747

1. Strike original sections 24 to 27 and insert the following new sections:

"Sec. 24. The Department of Correctional Services shall develop and implement a boot camp to commence July 1, 1997, for adult criminal offenders. It is the intent of the Legislature that the boot camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders. It is the further intent of the Legislature that the boot camp serve the interests of society by promoting the rehabilitation of offenders and by deterring offenders from engaging in further criminal activity. To accomplish these goals, the boot camp shall provide structured programming, including any of the following: Work programs, vocational training, behavior management and modification, money management, substance abuse awareness, counseling, or treatment, or other education and programming needs, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Sec. 25. (1) It is the intent of the Legislature that the court target the felony offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other forms of probation are not suitable, and (c) who, without the existence of a boot camp, would have gone to prison. It is the further intent of the Legislature that prior incarcerants for minor nonviolent offenses are not automatically ineligible to be sentenced to boot camp. It is also the intent of the Legislature that the offender convicted of a violent crime is not eligible to be sentenced to boot camp.

(2) When the court is of the opinion that imprisonment may be appropriate but that a brief and intensive period of incarceration may better serve the interests of society, the court may sentence an offender to a boot camp, which shall be a form of probation. The court may consider such commitment if the offender (a) is a male or female offender who is convicted as an adult, (b) has a maximum sentence of ten years or less, (c) is determined to be medically and mentally fit to participate, with allowances given for reasonable accommodation, (d) has not previously been incarcerated for a violent felony crime, and (e) has not demonstrated chronic violent behavior. Offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are precluded from being sentenced to boot camp.

Sec. 26. Upon successful completion of the boot camp program, as determined by the Department of Correctional Services, the sentencing court may place the offender on an appropriate form of probation or discharge the offender.

Sec. 27. If the offender for any reason fails to successfully complete the boot camp program, the sentencing court may impose any other sentence that the court may have originally imposed. Credit shall be given for time actually served in the boot camp program.".

2. On page 3, strike line 20, show as stricken, and insert "Class ID felony......Maximum - forty years imprisonment"; and strike line 22, show as stricken, and insert "Class II felony......Maximum - thirty years imprisonment".

3. On page 16, line 2, after "subdivision" insert "or of a similar statute in another state or of the United States".

4. On page 18, line 25, after the semicolon insert

"(r) To successfully complete a boot camp program, as determined by the Department of Correctional Services;"; and in line 26 strike "(r)", show as stricken, and insert "(s)".

5. On page 21, line 10, strike "(1)" and insert "(2)"; and in line 14 after "(1)" insert: "(a) Within sixty days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. During incarceration, the committed offender shall comply with the department-approved personalized program plan and the department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.

(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. Upon completion of the department-approved personalized program plan by any committed offender as scheduled for any year, or pro rata part thereof, shall entitle the committed offender to the earned good time of three months described in this section.

(2)".

6. On page 22, line 4, strike "(2)", show as stricken, and insert "(3)"; in lines 6 and 11 strike "(1)" and insert "(2)"; in line 10 strike "(3)", show as stricken, and insert "(4)"; and in line 17 strike "(4)", show as stricken, and insert "(5)".

7. On page 23, strike beginning with "received" in line 14 through "action" in line 15 and insert "been found guilty of a violation of the rules of the department".

8. On page 26, line 24, strike "(1)" and insert "(2)".

LEGISLATIVE BILL 471. Placed on General File as amended.

Standing Committee amendment to LB 471:
AM0778

1. On page 3, line 12, strike "deception" and insert "the actor's deception as to the identity of the actor or the nature or purpose of the act".

LEGISLATIVE BILL 661. Placed on General File as amended.
Standing Committee amendment to LB 661:
AM0746

1. Strike original sections 1 and 3.
2. On page 4, strike beginning with "and" in line 5 through "are" in line 6 and insert "is".
3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 18CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 19CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 20CA. Indefinitely postponed.

LEGISLATIVE BILL 51. Indefinitely postponed.
LEGISLATIVE BILL 74. Indefinitely postponed.
LEGISLATIVE BILL 75. Indefinitely postponed.
LEGISLATIVE BILL 164. Indefinitely postponed.
LEGISLATIVE BILL 200. Indefinitely postponed.
LEGISLATIVE BILL 244. Indefinitely postponed.
LEGISLATIVE BILL 252. Indefinitely postponed.
LEGISLATIVE BILL 266. Indefinitely postponed.
LEGISLATIVE BILL 312. Indefinitely postponed.
LEGISLATIVE BILL 348. Indefinitely postponed.
LEGISLATIVE BILL 458. Indefinitely postponed.
LEGISLATIVE BILL 487. Indefinitely postponed.
LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 551. Indefinitely postponed.
LEGISLATIVE BILL 560. Indefinitely postponed.
LEGISLATIVE BILL 570. Indefinitely postponed.
LEGISLATIVE BILL 602. Indefinitely postponed.
LEGISLATIVE BILL 641. Indefinitely postponed.
LEGISLATIVE BILL 656. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 660. Indefinitely postponed.
LEGISLATIVE BILL 758. Indefinitely postponed.
LEGISLATIVE BILL 875. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

VISITOR

Visitor to the Chamber was Alice Danitschek from Fremont.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-NINTH DAY - MARCH 7, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Pirsch, and Mr. Cudaback who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Hall, Lindsay, Warner, Wesely, Will, Mrs. Bohlke, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jane Keller - Board of Educational Lands and Funds

VOTE: Aye: Senators McKenzie, Wickersham, Janssen, Stuhr, Bohlke, and Beutler. Nay: None. Present Not Voting: Senator Bernard-Stevens. Absent: Senator Warner.

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENTS

Mr. Fisher designates LB 494 as his priority bill.

Mr. Schellpeper designates LB 430 as his priority bill.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendment to LB 542:
AM0757

1. Insert the following new section: "Sec. 3. Nothing in the Tax Equity and Educational Opportunities Support Act shall be construed as altering, amending, or changing in any manner the duties or obligations of the State Department of Education under section 79-1369, nor shall the provisions of the act be construed as relieving the State Department of Education of its obligation to make appropriate aid allocation adjustments following a final determination of the amount of funds due to any school district under the provisions of or through the operation of the act.".

2. On page 2, line 3, strike "section 2" and insert "sections 2 and 3"; in line 9 strike "by" and insert "with an effective date note later than"; in line 10 after the comma insert "(i)"; and strike beginning with "or" in line 13 through "1994-95" in line 14 and insert "through 1994-95, or (ii) deeming Nebraska to be certified for school year 1990-91 and deeming Nebraska not certified for school years 1991-92 through 1994-95".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 708. Placed on General File as amended.
Standing Committee amendment to LB 708:
AM0758

1. Strike original section 1.

2. On page 3, line 7, strike "or proceedings" and insert ", proceedings, or sanctions, if such actions, proceedings, or sanctions are".

3. On page 4, line 25, strike "sections 79-3403 and" and insert "section"; and in line 26 strike "are" and insert "is".

4. Renumber the remaining sections accordingly.

(Signed) Ardyce Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 168. Placed on General File as amended.
Standing Committee amendment to LB 168:
AM0283

1. On page 2, strike beginning with "public" in line 25 through "proceedings" in line 27 and insert "a public record".

(Signed) C. N. "Bud" Robinson, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 62. Read. Considered.

LEGISLATIVE RESOLUTION 63. Read. Considered.

LEGISLATIVE RESOLUTION 64. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 62, 63, and 64 were adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 16. The pending Standing Committee amendment, AM0175, found in the Journal on page 739 and considered on page 947, was renewed.

The Kristensen pending amendment, AM0723, found in the Journal on page 949, to the Standing Committee amendment, was renewed.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mrs. Witek renewed her pending amendment, AM0732, found in the Journal on page 950, to the Standing Committee amendment.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 22:

Avery
Bernard-Stevens
Brashear
Bromm
Chambers
Coordsen
Dierks
Engel
Jensen
Jones
Landis
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Witek
Withem

Voting in the negative, 15:

Abboud
Bohlke
Crosby
Day
Elmer
Fisher
Hall
Hillman
Hudkins
Kristensen
Lynch
Matzke
Schimek
Vrtiska
Warner

Present and not voting, 4:

Beutler
Hartnett
Janssen
Maurstad

Absent and not voting, 1:

Wickersham

Excused and not voting, 7:

Brown
Cudaback
Lindsay
Pirsch
Robak
Wesely
Will

The Witek amendment lost with 22 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, AM0753, found in the Journal on page 966, to the Standing Committee amendment.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Avery
Beutler
Chambers
Dierks
Jensen
Jones
McKenzie
Pedersen
Preister
Schellpeper
Schmitt
Schrock
Wesely
Witek

Voting in the negative, 23:

Abboud
Bernard-Stevens
Bohlke
Brashear
Crosby
Day
Elmer
Engel
Fisher
Hall
Hillman
Hudkins
Kristensen
Landis
Lindsay
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Withem

Present and not voting, 8:

Bromm
Coordsen
Hartnett
Janssen
Lynch
Matzke
Maurstad
Robinson

Excused and not voting, 4:

Brown
Cudaback
Pirsch
Robak

The Chambers amendment lost with 14 ayes, 23 ayes, 8 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

COMMUNICATION

March 7, 1995

Mr. Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol Bldg.
Lincoln, NE 68509

Dear Patrick:

Your communication from the University of Nebraska Board of Regents requesting the expenditure of monies for retiring the Bond Anticipation Note used for interim financing in the purchase of the Beta Sigma Psi Fraternity House, UNL City Campus Neihardt Residence Hall Complex Air Conditioning, UNL Vine Street Family Student Housing Acquisition/Remodel, and UNL City and East Campus Parking Lot improvements has been referenced to the Appropriations Committee for their consideration.

Sincerely,
(Signed) Timothy J. Hall
Chair, Executive Board

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 473. Placed on General File as amended.
Standing Committee amendment to LB 473:
AM0810

1. On page 9, lines 16 and 18, strike "preferred provider plan" and insert "insurance arrangement".

2. On page 10, line 3, strike "or" and insert an underscored comma, after "contract" insert ", certificate, or other materials", and after the semicolon insert "and"; strike beginning with "and" in line 6 through line 12 and insert the following new subdivision:

"(2) If an insurer conducts customer satisfaction surveys concerning an insurance arrangement, the results of such surveys shall be made available upon request to existing and prospective participants in insurance arrangements;"; in line 13 strike "(2)" and insert "(3)", strike "or" and insert an underscored comma, and after "contract" insert ", certificate, or other materials"; in line 15 strike "preferred provider plan" and insert "insurance arrangement"; in line 19 strike "(3)" and insert "(4)"; in line 21 strike "plan's" and insert "insurance arrangement's"; in line 22 strike "at any time" and insert "periodically and not less than annually"; and in line 25 strike "and" and insert "or".

3. On page 11, line 2, strike "(4)" and insert "(5)"; strike beginning with "consisting" in line 3 through "of" in line 4 and insert "formed by insurers,"; in line 4 strike "and" and insert "or"; in line 5 after the comma insert "or a combination of such entities,"; in line 6 after "the" insert "organized delivery" and after "system" insert "or to providers having staff privileges at a particular health care facility"; in line 7 strike "(5)" and insert "(6)"; strike beginning with the first "or" in line 8 through "services" in line 10; in line 16 after the second comma insert "a statement of the criteria or standards on which the decision was based,"; in line 20 after "appeal" insert ";

(7) If the insurer or participant in an insurance arrangement excludes or fails to retain a provider previously contracted with to provide health care services, the provider shall be permitted to appeal the adverse decision in the same manner as set forth in subdivision (6) of this section"; and in line 28 strike "(6)" and insert "(8)".

4. On page 12, strike beginning with line 7 through the semicolon in line 8; in line 9 strike "(8)" and insert "(9)"; and in line 13 strike "plan's" and insert "insurance arrangement's" and strike "and efficiency of practice" and insert ", accessibility, or

economic considerations".

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 550. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 691. Placed on General File as amended.
Standing Committee amendment to LB 691:
AM0319

1. On page 2, line 5, after "lands" insert "and for individuals"; and strike beginning with "seek" in line 8 through "process" in line 9 and insert "contact the tribal court and follow the procedures outlined in the tribal ordinance as it applies to service of process".

(Signed) John Lindsay, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointments Tuesday, March 14, 1995 1:15 p.m.
Nebraska Game and Parks Commission
William R. Berryman
Daniel Wallen

(Signed) Chris Beutler, Chairperson

Judiciary

LB 546	Wednesday, March 15, 1995	1:30 p.m.
LB 678	Wednesday, March 15, 1995	1:30 p.m.
LB 727	Wednesday, March 15, 1995	1:30 p.m.
LB 778	Wednesday, March 15, 1995	1:30 p.m.
LB 779	Wednesday, March 15, 1995	1:30 p.m.
LB 877	Wednesday, March 15, 1995	1:30 p.m.
LR 34CA	Wednesday, March 15, 1995	1:30 p.m.
LB 129	Thursday, March 16, 1995	1:30 p.m.
LB 256	Thursday, March 16, 1995	1:30 p.m.
LB 865	Thursday, March 16, 1995	1:30 p.m.
LB 869	Thursday, March 16, 1995	1:30 p.m.

LR 52 Thursday, March 16, 1995 1:30 p.m.

(Signed) John Lindsay, Chairperson

ANNOUNCEMENT

The Agriculture Committee designates LB 718 and LB 357 as its priority bills.

RESOLUTION

LEGISLATIVE RESOLUTION 65. Introduced by Dierks, 40.

WHEREAS, the Chambers Lady Coyote basketball team won the Class D-2 Girls' State Basketball Tournament; and

WHEREAS, the Lady Coyotes' victory over Lawrence in the tournament final completed a perfect 26-0 season and extended a 51-game winning streak; and

WHEREAS, the Lady Coyotes' winning streak includes two consecutive state championships, as the team won the Class D-1 crown in 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Chambers Lady Coyotes an Coach John Miller for their outstanding efforts.
2. That a copy of this resolution be sent to the Chambers High School.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 37A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 37, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 275A. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to amend sections 46 and 82, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Ninety-fourth Legislature, First

Session, 1995; to change appropriations; to transfer funds; to repeal the original sections; and to declare an emergency.

MOTION - Withdraw LB 573

Mr. Wickersham moved to withdraw LB 573.

Laid over.

MOTION - Suspend Rules

Mr. Wickersham moved to suspend the rules, Rule 3, Section 13 to permit cancellation of the public hearing on LB 573.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Crosby asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM0805

1. Strike original section 4 and insert the following new sections:

"Sec. 4. Section 68-1708, Revised Statutes Supplement, 1994, is amended to read:

68-1708. Sections 68-1701 to ~~68-1735~~ 68-1734 and sections 5 to 7 of this act shall be known and may be cited as the Welfare Reform Act. The act becomes operative January 1, 1996.

Sec. 5. The Legislature finds and declares that the welfare system in Nebraska must be reformed to more adequately support, stabilize, and enhance individual and family life in Nebraska. To accomplish this objective, the Legislature has approved the Welfare Reform Act.

By the terms of the act, it is mandated that thousands of children and families will lose eligibility for aid to dependent children and its related services, including medical assistance, child care, and job training. At the same time, there is little assurance that the Nebraska economy will be able to provide the thousands of living wage jobs necessary to keep these thousands of Nebraska children and families who have lost the public assistance due to the mandates of the act from becoming destitute and homeless and from being without necessary services such as medical assistance. This is particularly true due to the failure of health care reform on the federal level which was intended to be a central foundation for the purposes behind the act.

The Legislature declares that it is necessary to determine the potential impact of these mandated changes to Nebraska's welfare system on all state agencies, counties, public and private social service providers such as homeless shelters and food banks, the foster care system, school districts, local communities, philanthropic and charitable entities in Nebraska, and other public and private organizations prior to the implementation of the act so that there is an efficient and effective implementation of the act, so that all affected parties are as fully informed and prepared as possible for the potential impact of the act, and so that the State of Nebraska is not imposing financial and human resources responsibilities on public and private entities without full consideration.

Sec. 6. The Welfare Reform Act Impact Study Committee is created. The Director of Social Services shall serve as chairperson of the committee. The Governor shall appoint the other members. The committee shall include representatives of the State Department of Education, the Department on Aging, the Department of Labor, the Department of Public Institutions, the Office of Probation Administration, the Department of Correctional Services, the Department of Economic Development, the Department of Health, the Department of Revenue, the State Court Administrator, and the office of the Legislative Fiscal Analyst. The committee shall include at least one representative from county government, the Foster Care Review Board, school districts, municipalities, the health care industry, the child care industry, the community action agencies, a homeless shelter, the food bank network, private philanthropy, and charitable giving. The committee shall include two persons who are receiving public assistance at the time of appointment and one noncustodial parent. The Governor shall also invite a representative from tribal governments in Nebraska to be a member of the committee.

Sec. 7. The Welfare Reform Act Impact Study Committee shall evaluate the potential impacts of the welfare system changes prescribed by sections 68-1721 to 68-1724, especially the two-year limit on cash assistance, the two-year period of ineligibility, the exclusion of benefits for additional children born into a family receiving assistance, the reduction in cash assistance based upon minor children's school attendance, and the requirement that an adult cash assistance recipient participate in employment activities when the youngest child in a recipient family is under one year of age. The committee shall study and evaluate whether and to what degree the mandated changes will create an impact upon the services provided by and the responsibilities of public and private entities. The study shall include, but not be limited to, an evaluation of the legal responsibilities of public and private entities in Nebraska to provide services to meet the basic needs of indigent Nebraskans for, at a minimum, food, housing, and health care. The study shall include, but not be limited to, the potential fiscal impact on county governments, school districts, hospital districts, and municipalities, the potential caseload increase for public and private social services providers, the potential increase in unreimbursed emergency or necessary medical care, the potential for any increased burden on and reliance upon the foster care system, and the potential for any increased burden on the food bank and homeless shelter systems in Nebraska.

The committee shall present its study to the Governor and the Legislature not later than October 1, 1995.".

2. Renumber the remaining sections and correct internal references and the operative date section so the sections added by this amendment become operative on their effective date with the emergency clause.

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 859 in the Journal. No objections. So ordered.

AM0766

1. On page 2, line 1, after "post" insert "and leave posted throughout the year".

RESOLUTION

LEGISLATIVE RESOLUTION 16. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM0836

(Amendments to Standing Committee amendments, AM0175)

1. On page 3, line 16, after "party" insert ", except that the balance of delegates between the major political parties shall be as even as possible in the event that one or more independents are chosen as delegates. The delegates shall be"; in line 17 after "Legislature" insert "and approved by the Executive Board of the Legislative Council"; in line 20 after the period insert "The Nebraska delegation chosen pursuant to this resolution shall present to the Executive Board of the Legislative Council prior to participation in the Conference of the States, for the review and suggestions of the Executive Board, the most current draft of the proposed Conference rules of procedure and bylaws including any proposed articles of incorporation or proposed bylaws of any nonprofit corporation to be authorized by such Conference, if available. The Executive Board may further instruct the Nebraska delegates with respect to conditions for participation and such instructions shall be binding."; and in line 26 strike "consideration" and insert "approval" and after the period insert "No vote of this state's delegation on an action plan shall be authorization by this state to forward the States' Petition to the national government until the Legislature has approved such vote.".

MR. HALL PRESIDING

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM0835

(Amendments to Standing Committee amendments, AM0175)

1. Strike page 1, lines 3 through 24; page 2, lines 1 through 27; and page 3, lines 1 through 5, and insert the following:

"WHEREAS, the United States' Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all non-delegated and non-prohibited powers to the States or to the people; and

WHEREAS, the number of federal unfunded mandates has grown exponentially during the last thirty years and has profoundly impacted State budgets, impinging on the ability of State leaders to provide appropriate and needed services to their constituencies; and

WHEREAS, in recent years, States have been the principal agents of government reform, including updating their constitutions, modernizing and restructuring governmental institutions, and, along with Local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

WHEREAS, the Council of State Governments recognizes a sense of urgency in calling for The Conference of the States, whereby each State government could send a delegation to develop a comprehensive Action Plan to address the States' role in our Federal system; and

WHEREAS, the aforementioned experience of The Council of State Governments, in conjunction with its regional structure and groupings of elected and appointed officials from all three branches of State government, reflects an entity ideally suited to promote and facilitate such a conference.".

The Kristensen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was renewed.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 377. Placed on Select File as amended.
E & R amendment to LB 377:
AM7050

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 66-1330, Revised Statutes Supplement, 1994, is amended to read:

66-1330. Sections 66-1330 to 66-1348 and sections 2 to 5 of this act shall be known and may be cited as the Ethanol Development Act.

Sec. 2. An excise tax is levied upon all corn and grain sorghum to be utilized as feed, as food, or for industrial processing in the State of Nebraska. Except as otherwise provided in this section, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. The excise tax shall be imposed on all sales occurring on or after July 1, 1995, and before January 1, 2001. The tax shall be in addition to any fee imposed pursuant to sections 2-3623, 2-3627, and 2-4012. The excise tax shall be levied and imposed on the seller at the time of sale or delivery and shall be collected by the first purchaser in Nebraska. The tax shall be collected, administered, and enforced together with and in the same manner as the fees imposed pursuant to sections 2-3623, 2-3627, and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section more than once. In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 3. (1) The grain recipient, at the time of transfer or settlement, shall retain the excise tax as provided in section 2 of this act and shall maintain the necessary records of the excise tax for each transfer of corn or grain sorghum. Records maintained by the grain recipient shall provide (a) the name and address of the supplier, (b) the date of the transfer, (c) the number of bushels of corn and hundredweight of grain sorghum transferred, and (d) the amount of excise tax retained on each transfer. The records shall be open for inspection and audit by authorized representatives of the Department of Agriculture during normal business hours observed by the purchaser.

(2) The grain recipient shall render and have on file with the department by the last day of each January, April, July, and October on forms prescribed by the department a statement of the number of bushels of corn and hundredweight of grain sorghum transferred in Nebraska. At the time the statement is filed, the grain recipient shall pay and remit to the department the excise tax.

(3) The department shall remit the excise tax collected to the State Treasurer for credit to the Ethanol Production Incentive Cash Fund within thirty days after the end of each quarter.

(4) For each fiscal year beginning with fiscal year 1995-96 through fiscal year 2000-01, the department shall calculate its costs in collecting and enforcing the excise tax imposed by section 2 of this act and shall report such costs to the Department of Administrative Services within thirty days after the end of the fiscal year. Sufficient funds to cover such costs shall be appropriated from the Ethanol Production Incentive Cash Fund to the Department of Agriculture each fiscal year.

Sec. 4. The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, before the end of each of the following fiscal years, the following amounts:

(1) For each of fiscal years 1995-96 and 1996-97, $2,000,000 per fiscal year;

(2) For each of fiscal years 1997-98 and 1998-99, $13,000,000 per fiscal year;

(3) For fiscal year 1999-2000, $9,000,000; and

(4) For fiscal year 2000-01, $3,000,000.

Sec. 5. Any person violating any of the provisions of section 2 or 3 of this act shall be guilty of a Class III misdemeanor.

Sec. 6. Section 66-1345, Revised Statutes Supplement, 1994, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, ~~and~~ (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 2 of this act, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 4 of this act.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489 and 66-668;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund the amounts appropriated under subsection (4) of section 3 of this act for each fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund.

Sec. 7. Original sections 66-1330 and 66-1345, Revised Statutes Supplement, 1994, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 3, after the semicolon insert "to provide for transfers of funds;".

LEGISLATIVE BILL 275. Placed on Select File as amended.
(E & R amendment, AM7051, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 68. Placed on Select File.
LEGISLATIVE BILL 668. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 21. Indefinitely postponed.
LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 400. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

Agriculture

LEGISLATIVE BILL 357. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

Health and Human Services

LEGISLATIVE RESOLUTION 28. Reported to the Legislature for further consideration with the following amendment:
AM0791

1. Strike the original provisions of the resolution and insert:

"WHEREAS, the area of intercountry adoptions remains vague and unclearly defined; and

WHEREAS, many citizens of the State of Nebraska share concerns about intercountry adoptions; and

WHEREAS, the State of Nebraska has traditionally been dedicated to serving the best interests of children; and

WHEREAS, the text of the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, a multilateral treaty prepared by the Hague Conference on Private International Law, was adopted on May 29, 1993; and

WHEREAS, the Convention covers all adoptions between countries that become parties to it, including adoptive parent initiated, agency arranged, or private, independent adoptions and spells out internationally agreed minimum norms and procedures designed to protect interests of the children, birth parents, and adoptive parents; and

WHEREAS, the 1993 Hague Intercountry Adoption Convention was signed by the United States on March 31, 1994, a symbolic act without legal consequences, signaling that the U.S. government is seeking to obtain necessary authority to be able to ratify the Convention; and

WHEREAS, the fifth meeting of the U.S. State Department's Study Group on Intercountry Adoption will be held to discuss the draft of federal implementing legislation prepared by federal government agencies; and

WHEREAS, the purpose of the federal legislation is to ensure the uniform and full implementation of the Convention throughout the United States, whether the United States is the receiving State or the State of origin of the children involved, to safeguard the children and the interests of the two sets of parents involved in such adoptions; and

WHEREAS, the United States State Department is welcoming and encouraging the input of state adoption licensing agencies at such meeting to facilitate a practical discussion in due effort ultimately to reach a consensus on how to implement the Convention; and

WHEREAS, the Department of Social Services is the licensing authority for adoption agencies in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the appropriate agents of the Department of Social Services be, and hereby are, encouraged actively to participate in the fifth meeting of the United States State Department's Study Group on Intercountry Adoption.".

LEGISLATIVE BILL 739. Placed on General File as amended.
Standing Committee amendment to LB 739:
AM0773

1. On page 2, line 5, after the comma insert "courts,"; and in lines 9, 25, and 26 after the last comma insert "court,".

LEGISLATIVE BILL 204. Indefinitely postponed.
LEGISLATIVE BILL 684. Indefinitely postponed.
LEGISLATIVE BILL 834. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 498. Placed on General File as amended.
Standing Committee amendment to LB 498:

AM0801

1. Strike the original section and insert the following new section:

"Section 1. (1) It is unlawful for any employer, not required to be licensed, certified, or registered under Chapter 71, or such employer's agent to coerce or attempt to coerce a health care professional, required to be licensed, certified, or registered under Chapter 71, to practice his or her profession for any purpose or in any manner which is contrary to his or her professional judgment. It is unlawful for any employer or such employer's agent to coerce or attempt to coerce an employee, required to be licensed, certified, or registered under Chapter 71, to practice his or her profession for any purpose or in any manner which is contrary to (a) any federal or state law, rule, or regulation, or (b) the standards of practice for his or her profession.

(2) Any employee subjected to coercion or an attempted coercion under subsection (1) of this section has a cause of action against the employer and may recover his or her damages and reasonable attorney's fees.".

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 658. Placed on General File as amended.
Standing Committee amendment to LB 658:
AM0772

1. Insert the following new sections:

"Sec. 2. The Legislature finds that it is in the best interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget income poverty guidelines. It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 3. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall ~~provide, through rule and regulation,~~ adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under ~~section 9407, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended; or

(b) Who have income at or below one hundred fifty percent of the Office of Management and Budget's income poverty guidelines, without regard to resources, including children up to such age as allowed under ~~section 9401, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended.".

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 405A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, Ninety-fourth Legislature, First Session, 1995.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Carol Holyoke - Foster Care Review Board
Kathleen Maloney - Foster Care Review Board
David Perlman - Foster Care Review Board
Vicki Powell - Foster Care Review Board
Regina Tullos-Williams - Child Abuse Prevention Fund Board
Louise Schleich - Child Abuse Prevention Fund Board
Dr. Richard Fitzgerald - State Board of Health
Nancy Gerrard - State Board of Health

VOTE: Aye: Senators Day, Dierks, Jensen, Matzke, Pirsch, Schimek, and Wesely. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Mr. Wesely designates LB 837 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM0837

(Amendments to Standing Committee amendments, AM0321)

1. Insert the following new sections:

"Sec. 8. The receiver, in its discretion, may, but shall not be required to, defend any claim, suit, or action against the receiver or the health care facility arising out of conditions, actions, or circumstances occurring or continuing at the health care facility after the appointment of the receiver. The receiver in its discretion may, but shall not be required to, defend any licensure certification or injunction action initiated by the department after its appointment. The receiver shall not appeal or continue the appeal of any licensure or certification action initiated by the department against the health care facility before the appointment of the receiver. The receiver shall cooperate with the owner or operator in any defense undertaken by the owner or operator against any claim, suit, or action against them or the health care facility, including, but not limited to, any licensure, certification, or injunctive action taken by the department.

Sec. 9. The department may inspect the health care facility at any time during the receivership and the receiver shall cooperate with the department in any such inspection. All records required by federal or state statutes and regulations shall be kept on the premises of the health care facility and shall be available for inspection and copying by any authorized employee of the department.".

2. Insert the following new amendments:

"3. On page 4, line 14, after the period insert 'If the court determines the department did not have probable cause to submit the affidavit in support of the appointment of the temporary receiver, the court shall have the jurisdiction to determine and award compensatory damages against the state to the owner or operator.'.

4. On page 5, strike beginning with 'A' in line 22 through the period in line 24 and insert 'The appointment of the receiver shall not affect the rights of the owner or operator to defend against any claim, suit, or action against such owner or operator or the health care facility, including, but not limited to, any licensure, certification, or injunctive action taken by the department.'.

5. On page 6, line 4, after 'revenue' insert 'and

current assets'; strike beginning with 'Be' in line 15 through 'receivership' in line 17 and insert 'Be responsible for the payment of taxes against the health care facility which become due during the receivership, including property taxes, sales and use taxes, withholding, taxes imposed pursuant to the Federal Insurance Contributions Act, and other payroll taxes, but not including state and federal taxes which are the liability of the owner or operator'; in line 24 after 'and' insert 'necessary and appropriate'; and in line 26 strike 'Provide' and insert 'Upon order of the court, provide'.

7. On page 10, line 8, after 'receiver' insert 'and any related receivership expenses'; strike beginning with 'The' in line 20 through the period in line 21 and insert 'The receiver is liable in his, her, or its personal capacity for intentional wrongdoing or gross negligence.'; and in line 28 after 'defend' insert 'or arrange for the defense of' and after 'receiver' insert 'personally'.

12. On page 18, line 7, strike '(r)' and insert '(m)'.".

3. On page 6, line 18, strike "11" and insert "13"; and strike beginning with "lines" in line 21 through the period in line 25 and insert "strike lines 4 through 19; in line 20 strike '(p)' and insert '(k)'; and in line 25 strike '(q)' and insert '(l)'.".

4. On page 7, line 26, strike "19" and insert "21".

5. Renumber the remaining amendments accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 68 in the Journal. No objections. So ordered.

(Amendment, AM0750, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 66. Introduced by Lynch, 13.

WHEREAS, on February 18, 1995, Ryan Harrison and Kyle Phidden rode their bikes onto Carter Lake; and

WHEREAS, both boys fell through the ice and were in danger of drowning; and

WHEREAS, Michael Barrow heard the boys' cries for help while walking his dog; and

WHEREAS, Michael Barrow, without giving thought to his own danger, went out onto the ice to rescue the two boys; and

WHEREAS, Michael Barrow fell through the ice himself; and

WHEREAS, Michael Barrow's selfless act of bravery resulted in his own death; and

WHEREAS, Michael Barrow died on February 18, 1995, at the young age of 33; and

WHEREAS, Michael Barrow is survived by his mother, Margaret Sutton, of Omaha, his father, Wayne Barrow of Russellville, Kentucky, two brothers, Jeff Barrow of Kansas City, Missouri, and David Barrow of Omaha, and four sisters, Patty Shiney and Jayne Walter, both of Omaha, Connie Short of Buffalo, New York, and Lisa Reider of Wichita, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its admiration for Michael Barrow's courage.
2. That the Legislature extends its sympathy to the family and friends of Michael Barrow.
3. That a copy of this resolution be sent to Michael Barrow's mother, Margaret Sutton, and Michael's father, Wayne Barrow.

Laid over.

LEGISLATIVE RESOLUTION 67. Introduced by Crosby, 29; Schimek, 27.

WHEREAS, the Lincoln Southeast Knights girls' basketball team won the Class A Girls' State Basketball Championship and secured its third championship in three years; and

WHEREAS, the Lincoln Southeast Knights have a 71-2 record for the past three years; and

WHEREAS, the accomplishments of the Lincoln Southeast Knights girls' basketball team deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Lincoln Southeast Knights girls' basketball team and the parents and supporters.
2. That a copy of this resolution be sent to the Lincoln Southeast Knights girls' basketball team and Coach John Larsen.

Laid over.

WITHDRAW - Cointroducer

Mr. Vrtiska withdrew his name as cointroducer to LB 166.

VISITORS

Visitors to the Chamber were Steve Taylor from Scottsbluff; and 75 second grade students and teachers from Rousseau Elementary School, Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 8, 1995

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 8, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Mike Chaffee, Holy Savior Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Brown who was excused; and Messrs. Abboud, Chambers, Hall, Hartnett, Lindsay, Schrock, Wesely, Will, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Higgins, Joseph B. - Public Employees Retirement Board -- Nebraska Retirement Systems

Lange, Robert G., Director - Department of Insurance -- Banking, Commerce and Insurance

Nichols, Clark G. - Public Employees Retirement Board -- Nebraska Retirement Systems

Welsh, Cliff - Nebr. Agricultural Land Valuation Advisory Bd. – Revenue

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Revenue

Governor Appointment Wednesday, March 15, 1995 1:30 p.m.
Cliff Welsh - Agricultural Land Valuation Advisory Board

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Mrs. Bohlke passed over her pending amendment, FA74, found in the Journal on page 981.

Messrs. Beutler and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Dierks requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 38:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Day
Dierks
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 4:

Chambers
Crosby
Lynch
Wesely

Present and not voting, 3:

Elmer
Robak
Will

Excused and not voting, 4:

Brown	Hall	Lindsay	Schmitt

Advanced to E & R for review with 38 ayes, 4 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 49, LR 62, LR 63, and LR 64.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 178. Title read. Considered.

Standing Committee amendment, AM0410, found in the Journal on page 853, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 712. Title read. Considered.

Messrs. Landis and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay offered the following amendment:
FA75

1. On page 6, line 24, after "child" insert "or that conception was the result of sexual assault or incest"
2. On page 9, line 7, after "pregnancy", insert "whether conception was the result of sexual assault or incest,"

Mrs. Pirsch and Mr. Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Beutler, Wickersham, Robinson, Schmitt, Mmes. Hillman, and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to E & R for review with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 633. Placed on General File.

LEGISLATIVE BILL 221. Indefinitely postponed.
LEGISLATIVE BILL 398. Indefinitely postponed.
LEGISLATIVE BILL 655. Indefinitely postponed.
LEGISLATIVE BILL 821. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 528. Placed on General File as amended.
Standing Committee amendment to LB 528:
AM0764

1. Strike original section 19 and insert the following new sections:

"Sec. 6. Sections 2 to 4 of this act shall apply on January 1, 1996, or upon notification by the Internal Revenue Service or the federal courts that such sections conform to section 401(a) of the Internal Revenue Code, whichever date is later.

Sec. 8. The Nebraska Investment Council shall have the responsibility for the management of all retirement funds. The council and the state investment officer shall discharge their duties with respect to the retirement funds solely in the interests of the members and beneficiaries of the retirement systems for the exclusive purposes of providing benefits to members and members' beneficiaries and defraying reasonable expenses incurred within the limitations and according to the powers, duties, and purposes prescribed by law. No retirement funds shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

Sec. 11. Section 84-1309.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-1309.01. ~~Any change in the type of investment of money in the State Employees Retirement Fund by the state investment officer shall be subject to approval by the Public Employees Retirement Board. If the investment of such money is with a primary carrier, the state investment officer may specify any payment procedures which he or she deems advisable. For purposes of this section, primary carrier shall include insurance companies, annuity companies, variable annuity companies, and trust companies.~~ The board shall monitor the investments of retirement funds by the Nebraska Investment Council and the state investment officer to ensure that the retirement funds are invested and reinvested for the exclusive purposes of providing benefits to members and members' beneficiaries and to ensure that retirement funds are not invested with sole or primary investment objective of economic development or social purposes or objectives.

Sec. 17. Sections 13 to 15 of this act shall apply on January 1, 1996, or upon notification by the Internal Revenue Service or the federal courts that such sections conform to section 401(a) of the Internal Revenue Code, whichever date is later.".

2. On page 4, line 10; and page 13, line 26, strike "Guaranteed" and insert "For investments after the effective date of this act, guaranteed".

3. On page 7, strike line 5 and insert "fund the normal cost of members' employer accounts as calculated using the aggregate actuarial cost method.".

4. On page 8, line 11, after "(3)" insert "The unallocated portion of the County Purchasing Power Stabilization Fund shall equal total funds less amounts necessary to fund prior annuities provided under subsection (4) of this section less a reserve amount equal to one-half of one percent of the value of all assets in the employer accounts.

(4)" and strike "such amount" and insert "the amount determined pursuant to subsection (2) of this section".

5. On page 9, line 9, strike "5" and insert "6".

6. On page 14, lines 14 and 26, strike "12" and insert "15".

7. On page 16, strike line 22 and insert "fund the normal cost of members' employer accounts as calculated using the aggregate actuarial cost method.".

8. On page 17, line 3, strike "12" and insert "15"; in line 9 strike "13" and insert "16"; and in line 28 after "(3)" insert "The unallocated portion of the State Purchasing Power Stabilization Fund shall equal total funds less amounts necessary to fund prior annuities provided under subsection (4) of this section less a reserve amount equal to one-half of one percent of the value of all assets in the employer accounts.

(4)" and strike "such amount" and insert "the amount determined pursuant to subsection (2) of this section".

9. On page 18, lines 18 and 19, strike "11 to 13" and insert "14 to 17".

10. On page 22, line 22, strike beginning with "1" through "19" and insert "2 and 13" and in line 25 after the first comma insert "84-1309.01,".

11. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 681. Placed on General File as amended.
Standing Committee amendment to LB 681:
AM0707

1. On page 2, line 28, after "(5)" insert "Foreign registered limited liability partnership includes a registered limited liability partnership or limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction and registered under the laws of such jurisdiction;

(6)".

2. On page 3, line 2, strike "(6)" and insert "(7)"; in line 4 strike "(7)" and insert "(8)"; and in line 8 strike "(8)" and insert "(9)".

3. On page 5, strike beginning with "If" in line 3 through "organization" in line 6 and insert "Nothing in the Uniform Partnership Act is intended to restrict or limit in any manner the authority and duty of any regulatory body licensing professionals within the state to license such individuals rendering professional services or to regulate the practice of any profession that is within the jurisdiction of the regulatory body licensing such professionals within the state notwithstanding that the person is a partner of a registered limited liability partnership and rendering professional services or engaging in the practice of the profession through a registered limited liability partnership".

4. On page 6, line 21, strike "malpractice, or misconduct" and insert "misconduct, or malpractice".

5. On page 15, line 21, after "fee" insert "and shall register as a foreign registered limited liability partnership any foreign registered limited liability partnership that submits a completed application for registration as a foreign registered

limited liability partnership with the required fee".

6. On page 16, strike lines 19 through 22 and insert the following new subsection:

"(7) A partnership becomes a registered limited liability partnership or foreign registered limited liability partnership on the date of filing if there has been substantial compliance with the requirements of section 15 of this act. The status of a partnership as a registered limited liability partnership or as a foreign registered limited liability partnership and the liability of the partners thereof is not affected by errors or subsequent changes in the information in the registration notice.".

LEGISLATIVE BILL 774. Placed on General File as amended.
Standing Committee amendment to LB 774:
AM0807

1. On page 2, line 14, strike "Deposit" and insert "Except as provided in section 81-885.21, deposit"; in line 15 after "account" insert "controlled by the real estate closing agent"; in line 16 strike beginning with "controlled" through "agent"; in line 20 strike "Disburse" and insert "Except as provided in section 81-885.21, disburse"; in line 21 after "agent's" insert "trust"; and in line 23 after "agent's" insert "trust".

2. On page 3, line 7, after "agent's" insert "trust"; and in line 8 after "institution" insert "or as otherwise provided in section 81-885.21".

LEGISLATIVE BILL 835. Indefinitely postponed.

(Signed) David Landis, Chairperson

MOTION - Place LB 21 on General File

Mr. Chambers moved that LB 21 be placed on General File notwithstanding the action of the Business and Labor Committee.

Laid over.

MOTION - Place LR 40CA on General File

Mrs. Hillman moved to place LR 40CA on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Laid over.

ANNOUNCEMENT

Mr. Engel designates LB 425 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

Investment Council Appointment Wednesday, March 15, 1995 8:00 a.m.
Rex Holsapple - Nebraska Investment Officer

Governor Appointments Wednesday, March 15, 1995 8:00 a.m.
Marilyn L. Michel - Nebraska Investment Council
Joseph Higgins - Nebraska Public Employees Retirement Board
Clark Nichols - Nebraska Public Employees Retirement Board

(Signed) William R. Wickersham, Chairperson

Banking, Commerce and Insurance

Governor Appointment Wednesday, March 15, 1995 11:00 a.m.
Bob Lange - Nebraska Department of Insurance

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

FA76
Amend Standing Committee Amendment
Strike lines 8 through 23

RESOLUTION

LEGISLATIVE RESOLUTION 68. Introduced by Dierks, 40; Day, 19; Robinson, 16; Hartnett, 45.

WHEREAS, Mr. Richie Ashburn is a native of Tilden, Nebraska; and

WHEREAS, Mr. Ashburn's fifteen-year career in Major League baseball was highlighted by a .308 batting average, 2,574 base hits, and two National League batting titles; and

WHEREAS, Mr. Ashburn is also regarded as one of the finest defensive outfielders in Major League baseball history; and

WHEREAS, on Tuesday, March 7, 1995, Mr. Ashburn was named to the Baseball Hall of Fame by the Hall of Fame Veterans Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honor Mr. Richie Ashburn for his outstanding baseball career and his election to the Baseball Hall of Fame.

2. That a copy of this resolution be sent to Mr. Ashburn in care of the Philadelphia Phillies Baseball Club and to Mr. Charles Hofmann of Tilden, who directed a tireless campaign for Mr. Ashburn's election to the Baseball Hall of Fame.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 851. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 eighth grade students and teacher from Mary Our Queen School, Omaha; 18 fourth grade students and teachers from Central Christian School, Omaha; and Shirley Schlueter from West Point.

The Doctor of the Day was Hugh Holmquist from Burwell.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIRST DAY - MARCH 9, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Tim Reed, Evangelical Bible Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Brashear, Fisher, Hall, Hartnett, Landis, Lindsay, Maurstad, Pedersen, Preister, Will, Mmes. Bohlke, Hudkins, Robak, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1025, strike line 5, and insert after line 3:
"Investment Council Appointment Wednesday, March 15, 1995 8:00 a.m.
Rex Holsapple - Nebraska Investment Officer".
The Journal for the fortieth day was approved as corrected.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 586. Placed on General File as amended.
Standing Committee amendment to LB 586:
AM0777

1. Strike original section 1 and insert the following new section:

"Section 1. Section 53-168.06, Reissue Revised Statutes of Nebraska, is amended to read:

53-168.06. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent (1) the possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests; (2) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians; (4) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (5) persons who are sixteen years old or older from carrying ~~beer~~ alcoholic liquor from ~~grocery stores~~ licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen years old or older from handling ~~beer~~ alcoholic liquor containers and ~~beer~~ alcoholic liquor in the course of their employment; ~~in grocery stores;~~ (7) persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; ~~as servers or buspersons by any restaurant, club, hotel, or similar organization;~~ or (8) persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment.".

LEGISLATIVE BILL 860. Placed on General File as amended.
Standing Committee amendment to LB 860:
AM0829

1. On pages 3 and 4, strike the new matter and insert:

"By June 30, 2000, all kindergarten through grade twelve public school districts or affiliated systems shall have a direct connection to a statewide public computer information network designated by the State Board of Education. The costs of such connection shall be funded by noncompetitive grants awarded from the Education Innovation Fund. Beginning with fiscal year 1997-98 and through fiscal year 1999-2000, at least two million five hundred thousand dollars of lottery proceeds allocated to the Education Innovation Fund shall be disbursed to provide funding for such noncompetitive grants. The first priority for the disbursement of such noncompetitive grants is the direct connection of each kindergarten through grade twelve public school district or affiliated system to a statewide public computer information network designated by the State Board of Education. Such noncompetitive grants shall be awarded on the basis of need, ability to pay, and the number of buildings in each district or affiliated system designated by the board as suitable for direct connection to a public computer information network. Kindergarten through grade twelve public school districts and affiliated systems which have established a direct connection to a statewide public computer information network designated by the board prior to the effective date of this act shall be eligible for noncompetitive grants to meet additional telecomputing needs. Additional telecomputing needs may include, but are not limited to, development of networking capabilities within a district or system, the purchase or installation of equipment, or other telecomputing needs as determined by the board.

The remaining allocable funds in the".

LEGISLATIVE BILL 874. Placed on General File as amended.
Standing Committee amendment to LB 874:
AM0828

1. Strike the original sections and insert the following new sections:

"Section 1. Section 53-123.15, Revised Statutes Supplement, 1994, is amended to read:

53-123.15. (1) No person shall order or receive alcoholic liquor in this state which has been shipped directly to him or her from outside this state by any person other than a holder of a shipping license issued by the commission, except that a licensed wholesaler may receive not more than three gallons of wine in any calendar year from any person who is not a holder of a shipping license.

(2) The commission may issue a shipping license to a manufacturer. Such license shall allow the licensee to ship alcoholic liquor only to a licensed wholesaler, except that a licensed wholesaler may, without a shipping license and for the purposes of subdivision (2) of section 53-161, receive beer in this state which has been shipped from outside the state by a manufacturer in accordance with the Nebraska Liquor Control Act to the wholesaler, then transported by the wholesaler to another state for retail distribution, and then returned by the retailer to such wholesaler.

(3) The commission may issue a shipping license to any person who deals with vintage wines, which shipping license shall allow the licensee to distribute such wines to a licensed wholesaler in the state. For purposes of distributing vintage wines, a licensed shipper must utilize a designated wholesaler if the manufacturer has a designated wholesaler. For purposes of this section, vintage wine shall mean a wine verified to be ten years of

age or older and not available from a primary American source of supply.

(4) The application for a shipping license shall be in such form as the commission prescribes. The application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:

~~(1)~~ (a) To comply with and be bound by section 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records;

~~(2)~~ (b) To permit and be subject to all of the powers granted by section 53-164.01 to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; and

~~(3)~~ (c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers, the commission may revoke or suspend such shipping license for such period of time as it may determine.

Sec. 2. Original section 53-123.15, Revised Statutes Supplement, is repealed.".

(Signed) Stan Schellpeper, Chairperson

Transportation

LEGISLATIVE BILL 636. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

ANNOUNCEMENTS

The Business and Labor Committee designates LB 365 as its priority bill.

The Executive Board designates LB 508 and LB 509 as its priority bills.

The Natural Resources Committee designates LB 120 and LB 584 as its priority bills.

Mrs. Pirsch designates LB 658 as her priority bill.

Mr. Elmer designates LB 871 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 69. Introduced by Abboud, 12.

PURPOSE: The purpose of this study is to determine whether the State of Nebraska should adopt the Uniform Common Interest Ownership Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Suspend Rules

Mr. Wickersham renewed his pending motion, found in the Journal on page 1003, to suspend the rules, Rule 3, Section 13 to permit cancellation of the public hearing on LB 573.

Mr. Wickersham moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Wickersham motion to suspend the rules prevailed with 30 ayes, 0 nays, and 19 excused and not voting.

The Chair declared the call raised.

MOTION - Withdraw LB 573

Mr. Wickersham renewed his pending motion, found in the Journal on page 1003, to withdraw LB 573.

The Wickersham motion prevailed with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Bromm, Wesely, Wickersham, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LR 40CA on General File

Mrs. Hillman renewed her pending motion, found in the Journal on page 1024, to place LR 40CA on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Mrs. Hillman withdrew her motion.

GENERAL FILE

LEGISLATIVE BILL 37. Title read. Considered.

Standing Committee amendment, AM0198, found in the Journal on page 614, was considered.

Mr. Coordsen renewed his pending amendment, FA76, found in the Journal on page 1025, to the Standing Committee amendment.

Mr. Coordsen withdrew his amendment.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SPEAKER WITHEM PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 37A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 300. Title read. Considered.

Standing Committee amendment, AM0467, found in the Journal on page 794, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 430. Title read. Considered.

Standing Committee amendment, AM0517, found in the Journal on page 808, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Standing Committee amendment, AM0186, found in the Journal on page 583, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 837. Title read. Considered.

Standing Committee amendment, AM0546, found in the Journal on page 887, was considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 50. Placed on General File as amended.

Standing Committee amendment to LB 50:
AM0765

1. Strike the original sections and insert the following new sections:

"Section 1. Section 70-622, Reissue Revised Statutes of Nebraska, is amended to read:

70-622. (1) The board of directors shall ~~cause to be kept~~ keep a verbatim record of all meetings, accurate minutes of their meetings, and accurate records and books of account, conforming to approved methods of bookkeeping, clearly setting out and reflecting the entire operation, management, and business of the district. The requirement to keep a verbatim record shall only apply to districts with annual gross income of over twenty million dollars and shall not apply to closed sessions held pursuant to section 84-1410. ~~Said~~ The books, ~~and~~ records, and verbatim records shall be kept at the principal place of business of the district or at such other regularly maintained place or places of business of the district as shall be designated by the board of directors, with due regard to the convenience of the district and its customers in the several localities or divisions served or from which the information is thus gathered or obtained. ~~Said~~ The books, ~~and~~ records, and verbatim records shall at reasonable business hours be open to public inspection.

(2) For purposes of this section, meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body.

Sec. 2. Section 70-667, Reissue Revised Statutes of Nebraska, is amended to read:

70-667. (1) All power plants and systems, all ethanol production or distribution systems, and all irrigation works constructed, acquired, used, or operated by any district organized under or subject to Chapter 70, article 6, or proposed by such district to be so constructed, acquired, owned, used, or operated are hereby declared to be works of internal improvement. All laws applicable to works of internal improvement and all provisions of law applicable to electric light and power corporations, irrigation districts, or privately owned irrigation corporations, the use and occupation of state and other public lands and highways, the appropriation, acquisition, or use of water, water power, water rights, or water diversion or storage rights, for any of the purposes contemplated in such statutory provisions, the manner or method of construction and physical operation of power plants, systems, transmission lines, and irrigation works, as herein contemplated, shall be applicable, as nearly as may be, to all districts organized under or subject to Chapter 70, article 6, and in the performance of the duties conferred or imposed upon them under such statutory provisions. Such laws, provisions of law, or statutory provisions are hereby made applicable to all irrigation works and facilities operated by irrigation divisions of public power and irrigation districts organized under Chapter 70, article 6, and shall include, but not be limited to, the right of such district to exercise the powers conferred upon districts by Chapters 31 and 46, relating to operation, maintenance, rehabilitation, construction, reconstruction, repairs, extension, recharge for ground water, and surface and subsurface drainage projects and the assessment of the cost thereof to the lands benefited thereby. The right to exercise the power of eminent domain is conferred, except that this power may not be exercised for the purpose of condemning property for use by a privately operated ethanol production or distribution facility. The procedure to condemn property shall be exercised in the manner set forth in Chapter 76, article 7.

(2) Whenever a district plans to build a new transmission line of three hundred forty-five thousand volts or more, prior to any vote authorizing construction of all or any part of such new transmission line the district shall hold a public hearing for the purpose of receiving public testimony regarding the need for the transmission line and on the proposed project area and to the extent known alternative routes of the transmission line. The district shall provide notice of the hearing once a week for three consecutive weeks in a newspaper of general circulation in every county which the transmission line is proposed to traverse, the last publication to be not less than five days before the hearing. The notice shall generally describe the proposed project area and to the extent known alternative routes. Notice may also be provided in newspapers of local circulation in all communities directly affected by the construction of the transmission line for the same time period. No direct notice to landowners shall be necessary unless the specific route for the transmission line is known by the district at the time of publication. The hearing shall be held prior to the submission of an application to the Nebraska Power Review Board for approval of construction pursuant to section 70-1012. A recording of the hearing shall be made, and a copy of the recording shall be maintained by the district. A transcript of the hearing shall be made available to the public at cost upon request. This subsection does not apply to any application approved by the Nebraska Power Review Board pursuant to section 70-1013 prior to the effective date of this act.

Sec. 3. Before any entity authorizes construction along a specific transmission line route for a new transmission line of one hundred fifteen thousand volts or more, the entity shall consider the health and engineering aspects of electric and magnetic fields associated with electric transmission lines and practice prudent avoidance relating to such fields, especially when the economic costs of such avoidance are not substantial. The entity shall take reasonable measures to avoid or mitigate the impacts of such fields on residential dwellings, school buildings, child care facilities, commercial and industrial buildings, hospitals, churches, and recreational facilities. This section does not apply to any application approved by the Nebraska Power Review Board pursuant to section 70-1013 prior to the effective date of this act.

Sec. 4. Original sections 70-622 and 70-667, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE RESOLUTION 35. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 836. Placed on General File as amended.
Standing Committee amendment to LB 836:
AM0860

1. Strike the original sections and insert the following new section:

"Section 1. Efforts to reform the health care system at the state level have been hampered due to preemption of self-insured plans under the current terms of the federal Employee Retirement Income Security Act of 1974, and elements of reform will not be applicable unless and until a waiver of the applicable provisions of the federal law is received from the Congress of the United States. The Governor or his or her designee shall take all appropriate actions to submit such a waiver and secure its passage by Congress.".

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 156. Placed on General File.
LEGISLATIVE BILL 280. Placed on General File.

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendment to LB 140:
AM0857

1. Strike beginning with "Prior" in line 9 through the period in line 12 and insert "At least seven days prior to the first date of publication, the governing body shall mail the notice by first-class mail, postage prepaid, or certified mail to all registered neighborhood associations located in whole or in part within a one-mile radius of the area to be redeveloped. Each neighborhood association desiring to receive such notice shall register with the city's planning department or, if there is no planning department, with the city clerk. The registration shall

include a description of the area of representation of such association and the name and address of the individual who is to receive notice on behalf of such association. The registration shall be accomplished in accordance with any rules and regulations adopted and promulgated by the city.".

LEGISLATIVE BILL 250. Indefinitely postponed.
LEGISLATIVE BILL 342. Indefinitely postponed.
LEGISLATIVE BILL 665. Indefinitely postponed.
LEGISLATIVE BILL 826. Indefinitely postponed.
LEGISLATIVE BILL 864. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Gary Goldberg - Nebraska Ethanol Board
Pat Hillebrandt - Nebraska Ethanol Board

VOTE: AYE: Senators Avery, Beutler, Bohlke, Bromm, Elmer, Jones, McKenzie, and Preister.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENTS

The Urban Affairs Committee designates LB 193 and LB 469 as its priority bills.

The Health and Human Services Committee designates LB 414 as its priority bill.

Mrs. Crosby designates LB 189 as her priority bill.

The General Affairs Committee designates LB 765 as its priority bill.

Mr. Kristensen designates LB 490 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 406. Title read. Considered.

Standing Committee amendment, AM0321, found in the Journal on page 763, was considered.

Mr. Wesely withdrew his amendment, AM0771, found in the Journal on page 985.

Mr. Wesely renewed his pending amendment, AM0800, found in the Journal on page 987, to the Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0837, found in the Journal on page 1014.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 718. Title read. Considered.

Standing Committee amendment, AM0439, found in the Journal on page 936, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 508. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

ANNOUNCEMENTS

Mr. Hall designates LB 851 as his priority bill.

Mr. Jensen designates LB 172 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Bohlke, 33.

WHEREAS, the Hastings Adams Central Lady Patriots won the Class C-1 girls' state basketball championship with tournament victories over Hershey, Ashland-Greenwood, and Columbus Scotus; and

WHEREAS, the Hastings Adams Central Lady patriots finished the 1994-95 season with a 21-3 record; and

WHEREAS, the 36-30 victory in the championship game capped the Patriots' first girls' state championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Hastings Adams Central Lady Patriots be congratulated for winning the 1995 Class C-1 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to each member of the Hastings Adams Central girls' basketball team and their coach, James Landwehr.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE RESOLUTION 6CA. Placed on Select File as amended.

E & R amendment to LR 6CA:

AM7052

1. In the Standing Committee amendments, AM0475, on page 4, line 16, strike "XII" and insert "XVI".

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were LaMarr Newton and Patricia Opfer from Bradshaw, Jayne Petersen and Cindy Thomsen from Exeter, Susan and Dick Frazier from Fairmont, and Norma L. Hall from Elmwood; 31 seniors and sponsor from NE Christian School, Central City; Chanda Miller from Valentine; 24 students and teacher from Tokoha University, Shizouko, Japan and sponsor from Creighton University; Peter Cook from Lexington; a group from the Nebraska Press Association; Senator Janssen's son, Michael, from Blair; and nine seventh and eighth grade students and sponsor from Phelps County R-4, Elm Creek.

ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Friday, March 10, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 10, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Father James Tiegs, New Castle Retirement Center Chaplain, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Fisher who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Hall, Kristensen, Landis, Lindsay, Schellpeper, Warner, Will, Withem, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1027, line 12, strike "Reid" and insert "Reed".
The Journal for the forty-first day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 9, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Friends of Nebraska Non-Profit Hospitals
Gordon, James E. - Lincoln	DeHart & Darr Association

Lombardi-Erickson/American Communications Group
  Lombardi, Richard A. - Lincoln   People for Wise Energy Representation
Pappas, James E. - Lincoln   Michael Kelley

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 575. Placed on General File as amended.
Standing Committee amendment to LB 575:
AM0895

1. On page 1, lines 10 through 12, strike the new matter; and in line 12 after the period insert "The planning board shall have at least two members who reside outside of the corporate limits of the city but within the area subject to the city's jurisdiction as defined in section 14-116. In the event that on the effective date of this act there are not sufficient vacancies to provide for the appointment of two such nonresident board members, then as soon thereafter as vacancies may occur of planning board members who reside within the corporate limits of the city, such vacancies shall be filled by the appointment of members who reside outside of the corporate limits of the city but within the area subject to the city's jurisdiction as defined in section 14-116 until there are two such members on the planning board, and there shall, at all times thereafter, be two such members on the planning board.".

(Signed) D. Paul Hartnett, Chairperson

Education

LEGISLATIVE BILL 742. Placed on General File as amended.
Standing Committee amendment to LB 742:
AM0869

1. Strike the original sections and insert the following new sections:

"Section 1. Section 79-3325, Reissue Revised Statutes of Nebraska, is amended to read:

79-3325. The State Department of Education shall provide grants for the costs of the special education programs approved by the State Department of Education to the school district of residence for handicapped children of less than five years of age. Educational service units or cooperatives of school districts recognized as regional planning entities by the State Board of Education pursuant to section 79-3328 shall be eligible to receive grants for cooperative programs for such handicapped children of less than five years of age if such educational service units or cooperatives have complied with the reporting and approval requirements of section 79-3328. The grants shall be one hundred percent of the costs of such programs and shall continue to be one hundred percent as long as the funding for such grants comes from federal funds. If the federal funding is inadequate at any time to pay one hundred percent of the costs of such programs, the amount of the grant provided by the department shall, before fiscal year 1996-97, be ~~ninety percent of such costs~~ as determined by the State Board of Education from appropriations approved by the Legislature and, commencing in fiscal year 1996-97 and each fiscal year thereafter, the aggregate grant amount for all recipients shall not exceed an amount equaling the aggregate grant amount for all recipients for the previous fiscal year multiplied by a rate not to exceed the allowable growth range pursuant to section 79-3816. The grant payments shall be made by the State Department of Education to the resident school district, educational service unit, or regional planning entity recognized by the State Board of Education pursuant to section 79-3328 each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December.

Sec. 2. Section 79-3332, Reissue Revised Statutes of Nebraska, is amended to read:

79-3332. ~~(1) The State Department of Education shall reimburse each school district for ninety percent of the allowable excess cost of the preceding year's special education programs terminating in fiscal year 1987-88. In each fiscal year subsequent to~~ Commencing in fiscal year ~~1987-88~~ 1994-95, the State Department of Education shall reimburse each school district ~~an~~ a pro rata amount equal to ~~ninety percent~~ a percentage of the allowable excess cost for all services and programs ~~other than Level I services~~ as determined by the State Board of Education from appropriations approved by the Legislature and, commencing in fiscal year 1996-97 and each fiscal year thereafter, the aggregate reimbursement amount for all recipients shall not exceed an amount equaling the aggregate reimbursement amount for all recipients for the previous fiscal year multiplied by a rate not to exceed the allowable growth range pursuant to section 79-3816. ~~The amount appropriated by the Legislature for Level I services shall consist of the amount of the preceding year's Level I services appropriation plus fifty percent of the increase in the ninety percent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty percent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety percent of the allowable excess cost for Level I services for the immediately preceding year's special education program.~~ Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-3343 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the resident school district, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receiving such certification, draw warrants against funds appropriated.

~~(2) Level I services shall refer to services provided to students who require an aggregate of not more than three hours per week of special education services and shall include all administrative, diagnostic, consultative, and vocational adjustment counselor services.~~

Sec. 3. Original sections 79-3325 and 79-3332, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENTS

Mr. Vrtiska designates LB 646 as his priority bill.

Mr. Robinson designates LB 860 as his priority bill.

RESOLUTIONS

LEGISLATIVE RESOLUTION 65. Read. Considered.

LEGISLATIVE RESOLUTION 66. Read. Considered.

LEGISLATIVE RESOLUTION 67. Read. Considered.

LEGISLATIVE RESOLUTION 70. Read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Pursuant to Rule 4, Section 5, LRs 65, 66, 67, and 70 were adopted with 33 ayes, 0 nays, and 16 not voting.

MOTION - Approve Appointments

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 995: Jane Keller - Board of Educational Lands and Funds.

Voting in the affirmative, 27:

Beutler
Brashear
Brown
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schimek
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 9:

Bohlke
Chambers
Coordsen
Hartnett
Janssen
Schmitt
Schrock
Vrtiska
Witek

Excused and not voting, 13:

Abboud
Avery
Bernard-Stevens
Bromm
Day
Fisher
Hall
Kristensen
Lindsay
McKenzie
Schellpeper
Will
Withem

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1013: Carol Holyoke, Kathleen Maloney, David Perlman, and Vicki Powell - Foster Care Review Board; Regina Tullos-Williams and Louise Schleich - Child Abuse Prevention Fund Board; and Dr. Richard Fitzgerald and Nancy Gerrard - State Board of Health.

Voting in the affirmative, 25:

Brown
Chambers
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Maurstad
Pirsch
Preister
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Bohlke
Brashear
Coordsen
Cudaback
Matzke
Pedersen
Robak
Robinson
Schrock
Vrtiska
Warner

Excused and not voting, 12:

Abboud
Avery
Bernard-Stevens
Bromm
Day
Fisher
Hall
Kristensen
Lindsay
McKenzie
Schellpeper
Will

These appointments were confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Warner and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 97.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-105, 1-206, 4-104, 5-114, 9-103, 9-105, 9-106, 9-203, 9-301, 9-302, 9-304, 9-305, 9-306, 9-309, 9-312, and 10-104, Uniform Commercial Code; to adopt uniform provisions relating to investment securities and secured transactions; to eliminate provisions governing investment securities; to eliminate the Uniform Act for Simplification of Fiduciary Security Transfers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-3301 to 30-3311, Reissue Revised Statutes of Nebraska, and sections 8-101 to 8-108, 8-201 to 8-208, 8-301 to 8-321, and 8-401 to 8-408, Uniform Commercial Code.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska

Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 163.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-701, 45-702, 45-705, 45-706, 45-710, and 45-717, Reissue Revised Statutes of Nebraska, and sections 45-711 and 45-716, Revised Statutes Supplement, 1994; to change provisions of the Mortgage Bankers Registration and Licensing Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 196.

A BILL FOR AN ACT relating to street improvements; to amend sections 16-615, 17-509, and 17-511, Reissue Revised Statutes of Nebraska; to change consent requirements for grading; to provide for notice; to provide for funding by special assessment; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Brashear
Cudaback
Schmitt

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 197.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503.01, Reissue Revised Statutes of Nebraska, and section 17-953.01, Revised Statutes Supplement, 1994; to change provisions relating to the sale and purchase of property; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 352.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-914, Reissue Revised Statutes of Nebraska; to change provisions relating to loitering about jail; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to plumbing; to amend sections 18-1901, 18-1903, 18-1909, and 18-1911, Reissue Revised Statutes of Nebraska; to change provisions relating to the board for the examination of plumbers in cities of the primary class; to change provisions relating to licenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 48. With Emergency.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-814.01, Reissue Revised Statutes of Nebraska; to change the maximum amount for change cash funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Engel
Vrtiska

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LR 4CA to Select File

Mr. Kristensen moved to return LR 4CA to Select File for the following specific amendment:
FA77
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

RESOLUTIONS ON FINAL READING

The following resolutions were read and put upon final passage:

LEGISLATIVE RESOLUTION 4CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the primary election in May 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 14:

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and ~~read at large~~ presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act ~~contain~~ contains the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while ~~the same~~ it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected to the Legislature.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 3:

Hall
Preister
Robak

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the resolution failed to pass for the primary election. The question is, "Shall the resolution pass for the general election?"

Voting in the affirmative, 36:

Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 3:

Hall
Preister
Robak

Present and not voting, 2:

Bromm
Cudaback

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

LEGISLATIVE RESOLUTION 21CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the primary election in May 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I:

I-28 "(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights.
> For
> Against".

Mrs. Pirsch requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Hall

Present and not voting, 2:

Lynch
Schimek

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the resolution failed to pass for the primary election. The question is, "Shall the resolution pass for the general election?"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 1:

Hall

Present and not voting, 3:

Lynch
Schimek
Withem

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 343.

A BILL FOR AN ACT relating to gambling; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, and sections 9-803, 9-804.01, 9-807, 9-823, 9-838, and 28-1101, Revised Statutes Supplement, 1994; to redefine a term; to eliminate provisions relating to the Deputy Director of the Lottery Division of the Department of Revenue; to change provisions relating to the Director of the Division on Compulsive Gambling, the audiotaping of lottery game drawings, and certain lottery division records; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Vrtiska

Excused and not voting, 8:

Abboud
Avery
Bernard-Stevens
Chambers
Fisher
Lindsay
McKenzie
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM0886

(Amendments to Standing Committee amendments, AM0198)

1. Strike amendments 2 and 3.

2. Renumber the remaining amendments accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 178. Placed on Select File as amended.
E & R amendment to LB 178:
AM7053

1. On page 16, line 1, strike "exist".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM0900

1. Insert the following new section:

"Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 6, after line 24 insert the following new subsection:

"(4) The changes made to this section by this legislative bill shall apply to initiative and referendum petitions filed on or after the effective date of this act.".

3. Renumber the remaining section accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM0899

(Amendments to Standing Committee amendments, AM0365)

1. Strike amendment 4.

2. On page 1, strike beginning with "lines" in line 1 through the second "in" in line 2; in line 2 after "22" insert a comma; and strike beginning with the semicolon in line 10 through "matter" in line 11.

ANNOUNCEMENT

Mr. Schrock designates LB 840 as his priority bill.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 275A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 307. Considered.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for review with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendment, AM0009, found in the Journal on page 454, was considered.

Messrs. Wickersham, Wehrbein, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
AM0731

(Amendments to Standing Committee amendments, AM0009)

1. Insert the following new amendment:
"1. On page 2, line 13, after the period insert 'Any defendant charged in a criminal case arising under a city or village ordinance may demand a trial by jury if the defendant could demand a trial by jury for the same or similar offense charged under state law.'.".

2. Strike amendment 1.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. BOHLKE PRESIDING

Mr. Lindsay withdrew his amendment.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
FA78

(Amendments to Standing Committee amendments, AM0009)

1. Insert the following new amendment:

"1. On page 2, line 13, after the period insert 'Any defendant charged in a criminal case arising under a city or village ordinance may demand a trial by jury if the defendant could demand a trial by jury for the same or substantially the same offense charged under state law and if the penalty under city or village ordinance includes imprisonment.'.".

2. Strike amendment 1.

SPEAKER WITHEM PRESIDING

Mr. Lindsay moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Lindsay amendment was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 97, 163, 196, 197, 352, 36, 48, and 343.

GENERAL FILE

LEGISLATIVE BILL 90. The Standing Committee amendment, as amended, was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 27CA. Read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for review with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 611. Placed on General File.

LEGISLATIVE BILL 441. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Education

LEGISLATIVE BILL 840. Placed on General File as amended. (Standing Committee amendment, AM0892, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LEGISLATIVE BILL 207. Placed on General File as amended.
Standing Committee amendment to LB 207:
AM0894

1. On page 2, lines 15 to 17, strike the new matter; and in line 22 after the period insert "For cities of the first and second class and villages, an economic development program may also include grants or loans for the construction or rehabilitation for sale or lease of housing for persons of low or moderate income.".

2. On page 3, lines 5 to 7, strike the new matter; and in line 9 after the period insert "In cities of the first and second class and villages, a business shall also be a qualifying business if it derives its principal source of income from the construction or rehabilitation for sale or lease of housing for persons of low or moderate income.".

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendment to LB 302:
AM0774

1. Strike the original sections and insert the following new sections:

"Section 1. (1) Notwithstanding any other provision of law, sections 1 to 5 of this act shall govern responsibility for payment of the costs of medical services for any person ill, wounded, injured, or otherwise in need of such services at the time such person is arrested, detained, taken into custody, or incarcerated.

(2) For purposes of sections 1 to 5 of this act, the term medical services includes medical and surgical care and treatment, hospitalization, transportation, medications and prescriptions, and other associated items.

Sec. 2. Primary responsibility for payment of the costs of medical services provided to individuals who are arrested, detained, taken into custody, or incarcerated shall be with the recipients of such services, and providers of such medical services shall seek reimbursement for the cost of such medical services from such recipients. Reimbursement shall be sought from the following sources in the following order:

(1) From an insurer, a health maintenance organization, a preferred provider organization, or other similar source, if the recipient of medical services is entitled to payment of or reimbursement for the costs of such medical services under the terms and provisions of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or another similar source. This section does not extend or enlarge the liability of any such insurer, health maintenance organization, preferred provider organization, or other similar source, and no such insurer, health maintenance organization, preferred provider organization, or other similar source is responsible for reimbursing or paying any costs of medical services for which it is not otherwise responsible under the terms of the applicable policy, subscription, or agreement. Any individual who is entitled to payment or reimbursement for the costs of medical services under the terms of a policy, subscription, or agreement with an insurer, a health maintenance organization, a preferred provider organization, or other similar source shall cooperate with the providers of such services by making whatever applications, assignment, or other arrangements that are necessary in order to secure payment for the services provided;

(2) Personally from the recipient of the medical services; and

(3) From any other available source, including, where appropriate, the United States Department of Veterans Affairs, social security, the Department of Social Services, or other similar source.

Sec. 3. (1) Upon a showing that reimbursement from the sources enumerated in section 2 of this act is not available, in whole or in part, the costs of medical services shall be paid by the appropriate governmental agency. Such payment shall be made within ninety days after such showing. For purposes of this section, a showing shall be deemed sufficiently made if a provider signs an affidavit stating that (a) in the case of an insurer, health maintenance organization, preferred provider organization, or other similar source, a written denial of payment has been issued or (b) in all other cases, efforts have been made to identify sources and to collect from those sources and more than one hundred eighty days have passed or the normal collection efforts are exhausted since the medical services were rendered, but full payment has not been received. In no event shall the provider of the medical services be required to file a suit in a court of law or retain the services of a collection agency to satisfy the requirement of showing under this section. Such affidavit shall be forwarded to the appropriate governmental agency.

(2) In the case of medical services necessitated by injuries or wounds suffered during the course of apprehension or arrest, the appropriate governmental agency shall be the arresting agency. In all other cases, the appropriate governmental agency shall be the agency responsible for operation of the institution or facility in which the recipient of the services is lodged, except that when the agency is holding the individual solely for another jurisdiction, the agency may, by contract or otherwise, seek reimbursement from the other jurisdiction for the costs of the medical services provided to the individual being held for that jurisdiction.

(3) Except as provided in section 5 of this act, a governmental agency shall not be responsible for paying the costs of any medical services provided to an individual if such services are provided after he or she is released from the legal custody of the governmental agency or when the individual is released on parole.

(4) Any governmental agency requesting medical services for an individual who is arrested, detained, taken into custody, or incarcerated shall notify the provider of such services of (a) all information possessed by the agency concerning potential sources of payment and (b) the name of the appropriate governmental agency pursuant to subdivision (2) of section 3 of this act.

Sec. 4. The costs of routine medical services provided in the ordinary course of the duties of regular staff of a jail, prison, or other similar holding or detention facility shall not be considered reimbursable under the provisions of sections 1 to 5 of this act.

Sec. 5. Sections 1 to 5 of this act do not release any governmental agency from liability for the costs of medical services made necessary by the negligence, recklessness, or intentional misconduct of the agency or its employees or the costs of medical care resulting from an accident or occupational disease arising out of and in the course of the individual's performance of tasks assigned by the staff of the facility or institution holding that individual. Any recipient or provider of medical services or any insurer, health maintenance organization, preferred provider organization, or other similar source that may be responsible for the costs of medical services pursuant to sections 1 to 5 of this act shall be entitled to reimbursement from the appropriate governmental agency for the costs of medical services made necessary by the negligence, recklessness, or intentional misconduct of the agency or its employees or the costs of medical care resulting from an accident or occupational disease arising out of and in the course of the individual's performance of tasks assigned by the staff of the facility or institution holding that individual.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 726. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Transportation

LEGISLATIVE BILL 715. Placed on General File as amended. (Standing Committee amendment, AM0849, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Doug Kristensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Kristensen, 37.

WHEREAS, the Axtell High School girls' basketball team won the Class D-1 Girls' State Basketball Championship; and

WHEREAS, the Axtell Wildkittens were undefeated, with a 23-0 season; and

WHEREAS, the accomplishments, discipline, and dedication of the Axtell Wildkittens girls' basketball team deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Axtell Wildkittens girls' basketball team and the coach, parents, and supporters.
2. That a copy of this resolution be sent to the Axtell High School and Coach Steve Sampy.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 461 in the Journal. No objections. So ordered.

AM0770

1. Insert the following new section:

"Sec. 3. This act becomes operative on October 1, 1995.".

2. On page 4, after line 1, insert the following new subsection:

"(4) Part 395 -- Hours of Service of Drivers, of the federal Motor Carrier Safety Regulations adopted in subsection (1) of this section, shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-302, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

(a) More than twelve hours following eight consecutive hours off duty; or

(b) For any period after having been on duty sixteen hours following eight consecutive hours off duty.

No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive for any period after:

(a) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or

(b) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week."; in line 2 strike "(4)", show as stricken, and insert "(5)"; and strike beginning with "(5)" in line 8 through the period in line 14 and show as stricken.

3. On page 5, strike line 27.

4. Renumber the remaining section accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AM0799

(Amendments to Standing Committee amendments, AM0190)

1. Insert the following new amendments:

"5. On page 51, line 26, after 'tank' insert 'motor vehicle as defined by 49 C.F.R. 171.8'.

8. On page 54, line 3, after 'hire' insert 'exempt from part 395 of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363'; strike beginning with 'whether' in line 3 through the first comma in line 5 and show as stricken; in line 8 strike 'or operate', show as stricken, and insert 'nor shall any driver used by such carrier drive'; strike lines 9 through 16, show as stricken, and insert 'for more than twelve hours following eight consecutive hours off duty or for any period after having been on duty sixteen hours following eight consecutive hours off

duty. No motor carrier shall permit or require a driver to drive for any period after:

(1) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or

(2) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week'; and in lines 25 and 26 strike beginning with 'person' through 'a' and show as stricken.".

2. On page 1, strike beginning with the comma in line 4 through the comma in line 5.

3. Renumber the remaining amendments accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM0889

(Amendments to Standing Committee amendments, AM0849)

1. Insert the following new section:

"Sec. 12. There is hereby appropriated $250,000 from the General Fund for FY1995-96 to the Department of Motor Vehicles, for Program 644. Such appropriation shall be used by the State Office of Highway Safety within the Department of Motor Vehicles to supplement and enhance the existing program of grants made by the office to local law enforcement agencies for the purpose of the enforcement of sections 60-6,196 and 60-6,197.".

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB 700 and LB 847 as its priority bills.

Mr. Beutler designates LB 548 as his priority bill.

Mrs. Brown designates LB 399 as her priority bill.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Janel Foote - State Board of Health

VOTE: Aye: Senators Day, Dierks, Jensen, Matzke, Pirsch, Schimek, and Wesely. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

MOTION - Reconsider Action on LR 4CA

Mr. Avery and Mrs. McKenzie moved to reconsider the Final Reading vote on LR 4CA for a primary election vote.

Laid over.

MOTION - Reconsider Action on LR 21CA

Mr. Avery and Mrs. McKenzie moved to reconsider the Final Reading vote on LR 21CA to submit such amendment to the electors at the primary election in May 1996 pursuant to Rule 7, Section 7.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolutions were correctly enrolled: LR 4CA and LR 21CA.

(Signed) David I. Maurstad, Chairperson

REPORT

The following report was received by the Legislature:

State College System, Nebraska
Report of agreement between the State College Board of Trustees, State College Education Association (SCEA), and the Nebraska State College Professional Association (NSCPA) (Section 81-1384)

COMMUNICATION

Received a copy of Senate Resolution 8 from the Iowa Senate urging the Congress of the United States to continue its progress in reducing the federal deficit and to provide information on the impact that achieving a balanced federal budget will have on the state.

UNANIMOUS CONSENT - Add Cointroducers

The Transportation Committee members, Messrs. Jones, Avery, Matzke, Coordsen, Pedersen, Ms. Day, and Mrs. Pirsch, asked unanimous consent to have their names added as cointroducers to LB 715. No objections. So ordered.

VISITORS

Visitors to the Chamber were Elmer and Berniece Filipi from Crete and Magnus Bjorkman from Sweden; 25 eighth grade students and sponsor from Logan Middle School, Bellevue; Robert and Marilyn Hesse from Longview, Texas, Ken and June Hesse from Melbeta, and Joe Hesse from Clearwater; Louise Mary Grant from Wheaton, Illinois; Senator Day's brother, sister-in-law, niece, and nephew, Randy, Lisa, Molly, and Nicholas Walters from Norfolk; Senator Day's sister-in-law, niece, and nephew, Lisa, Alyssa, and Jared Walters, and Tory Benson from Norfolk; and 21 third and fourth grade students and teacher from Hayward Elementary, Nebraska City.

ADJOURNMENT

At 12:01 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Monday, March 13, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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FORTY-THIRD DAY - MARCH 13, 1995

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 13, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Hall and Mrs. McKenzie who were excused; and Messrs. Abboud, Brashear, Bromm, Elmer, Engel, Kristensen, Landis, Lindsay, Lynch, Will, Ms. Day, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

ANNOUNCEMENTS

Mr. Lynch designates LB 382 as his priority bill.

Mr. Brashear designates LB 559 as his priority bill.

Mr. Bromm designates LB 742 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1995, at 12:05 p.m., were the following bills: 97, 163, 196, 197, 352, 36, 48, and 343.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 65, 66, 67, and 70.

MOTION - Place LB 221 on General File

Mr. Hall moved, pursuant to Rule 3, Section 17, to have LB 221 placed on General File, notwithstanding the action of the Business and Labor Committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 337. Title read. Considered.

Standing Committee amendment, AM0365, found in the Journal on page 820, was considered.

Ms. Schimek renewed her pending amendment, AM0899, found in the Journal on page 1057, to the Standing Committee amendment.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?"

Mrs. Bohlke moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Chair declared the call raised.

Mrs. Witek requested a record vote on the Schimek amendment.

Voting in the affirmative, 27:

Avery
Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Day
Elmer
Engel
Hillman
Hudkins
Janssen
Landis
Lindsay
Lynch
Matzke
Maurstad
Preister
Robak
Schimek
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 13:

Coordsen
Dierks
Fisher
Jensen
Jones
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Witek

Present and not voting, 2:

Cudaback
Hartnett

Excused and not voting, 7:

Abboud
Brashear
Bromm
Hall
Kristensen
McKenzie
Will

The Schimek amendment was adopted with 27 ayes, 13 nays, 2 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Ms. Schimek renewed her pending amendment, AM0900, found in the Journal on page 1057.

The Schimek amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM0939

1. On page 10, line 8, strike "argument" and insert "set of arguments"; in line 13 after "clerks" insert "at least six weeks prior to the election"; in line 14 after "shall" insert "immediately"; in line 15 after the second "in" insert "at least three"; and in line 21 after the period insert "Notice of each hearing shall be published once in a newspaper of general circulation in the congressional district in which the meeting will be held not less than five days prior to the hearing. The hearings shall be held not more than eight weeks prior to the election.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:
AM0928

1. On page 6, after line 24 insert the following new subsection:

"(4) Upon completion by the Secretary of State, the petition shall be reviewed by the Executive Board of the Legislative Council. If the Executive Board finds it in the public interest for the Legislature to consider an alternative proposition then they may so declare, and in that event the alternative proposition will appear on the first general election ballot following the next legislative session. The Executive Board must act within five days after the notification by the Secretary of State.".

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 6 nays, and 27 not voting.

Mmes. Robak and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schrock moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 6 nays, and 35 not voting.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Beutler withdrew his amendment.

Advanced to E & R for review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 712. Placed on Select File as amended.
(E & R amendment, AM7054, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Fisher, 35.

WHEREAS, as the career exploration process begins, we have a responsibility of supplying comprehensive and relevant information to our high school students to help them in determining important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the Armed Services Vocational Aptitude Battery (ASVAB) to assess the capabilities of young people about to enter the military; and

WHEREAS, the Department of Defense also offers the ASVAB to high school students throughout the State of Nebraska, at no cost to the schools or students and without military obligation, providing one of the best and most widely used vocational aptitude indexes in the country; and

WHEREAS, the current ASVAB 18/19 Career Exploration Program contains comprehensive career exploration materials which are easily integrated into the high schools' career guidance programs; and

WHEREAS, the accompanying Exploring Careers Workbook teaches students a comprehensive way to explore careers, whereby they can match their ASVAB scores, along with interest results and personal preferences, to a wide-range of over two hundred civilian and military occupations. A component of this workbook is an interest inventory, which is provided free to every student taking the ASVAB; and

WHEREAS, approximately eleven thousand students from about eighty-five percent of the high schools in Nebraska participate in the ASVAB 18/19 Career Exploration Program each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the week of March 27 through April 2, 1995, as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 253A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Ninety-fourth Legislature, First Session, 1995.

UNANIMOUS CONSENT - Print in Journal

Messrs. Vrtiska and Bromm asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM0427

1. On page 2, line 27, strike "(a)" and after "factfinding" insert an underscored period; and in line 28 strike "or (b) a special master proceeding" and insert "Upon the request of both parties, a special master may be appointed".

2. On page 8, line 7, strike ", either party" and insert "and both parties agree, they".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM0902

1. Insert the following new section:

"Sec. 8. Section 60-325, Reissue Revised Statutes of Nebraska, is amended to read:

60-325. No person shall operate~~, drive, or park~~ a motor vehicle, commercial trailer, semitrailer, or utility trailer on the public highways unless such vehicle at all times carries in or upon it, subject to inspection by any peace officer, the registration certificate furnished for it. ~~In the case of a motorcycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle.~~".

2. On page 29, line 17, after the first comma insert "60-325,".

3. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

The Government, Military and Veterans Affairs Committee designates LR 17CA and LB 43 as its priority resolution and bill.

Ms. Day designates LB 592 as her priority bill.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 181. Placed on General File.

(Signed) Chris Beutler, Chairperson

MOTION - Reconsider Action on LR 4CA

Mr. Avery renewed the Avery-McKenzie pending motion, found in the Journal on page 1066, to reconsider the Final Reading vote on LR 4CA for a primary election vote.

The Avery-McKenzie motion to reconsider prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was put upon final passage:

LEGISLATIVE RESOLUTION 4CA.

Mr. Kristensen requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 5:

Chambers
Lynch
Preister
Warner
Wickersham

Excused and not voting, 4:

Hall
McKenzie
Robak
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Reconsider Action on LR 21CA

Mr. Avery renewed the Avery-McKenzie pending motion, found in the Journal on page 1066, to reconsider the Final Reading vote on LR 21CA to submit such amendment to the electors at the primary election in May 1996 pursuant to Rule 7, Section 7.

The Avery-McKenzie motion to reconsider prevailed with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was put upon final passage:

LEGISLATIVE RESOLUTION 21CA.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Bohlke
Hall
McKenzie
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

UNANIMOUS CONSENT - Members Excused

Messrs. Schmitt and Wickersham asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 658. Title read. Considered.

Standing Committee amendment, AM0772, found in the Journal on page 1012, was considered.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 295. Placed on General File.
LEGISLATIVE BILL 298. Placed on General File.
LEGISLATIVE BILL 535. Placed on General File.
LEGISLATIVE BILL 559. Placed on General File.

LEGISLATIVE BILL 483. Placed on General File as amended.
Standing Committee amendment to LB 483:
AM0423

1. Strike the original sections and insert the following new sections:

"Section 1. For homesteads valued at or above the maximum value, the exempt amount shall be reduced by ten percent for each two thousand five hundred dollars of value by which the homestead exceeds the maximum value and any homestead which exceeds the maximum value by twenty thousand dollars or more is not eligible for any exemption under sections 77-3507 to 77-3509.

Sec. 2. Section 77-3501, Revised Statutes Supplement, 1994, is amended to read:

77-3501. For purposes of sections 77-3501 to 77-3524 and section 1 of this act, unless the context otherwise requires, the definitions found in sections 77-3501.01 to 77-3505.04 shall be used.

Sec. 3. Section 77-3505.02, Revised Statutes Supplement, 1994, is amended to read:

77-3505.02. Maximum value shall mean one hundred fifty percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ~~one hundred~~ ninety-five thousand dollars, whichever is greater.

Sec. 4. Section 77-3507, Revised Statutes Supplement, 1994, is amended to read:

77-3507. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation on homesteads ~~valued for purposes of real property taxation at the maximum value or less~~ of qualified claimants a percentage of the exempt amount as limited by section 1 of this act. The percentage of the exempt amount shall be determined based on the household income of a claimant pursuant to subsections (2), (3), and (4) of this section.

(2) For 1994, for a qualified married or single claimant whose household income is $10,400 or less, the percentage of the exempt amount for which the claimant shall be eligible shall be one hundred percent.

(3) For 1995 and each year thereafter, for a qualified married claimant, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 18,000	100
18,001 through 19,000	85
19,001 through 20,000	70
20,001 through 21,000	55
21,001 through 22,000	40
22,001 through 23,000	25
23,001 and over	0

(4) For 1995 and each year thereafter, for a qualified single claimant, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 15,500	100
15,501 through 16,300	85
16,301 through 17,100	70
17,101 through 17,900	55
17,901 through 18,700	40
18,701 through 19,500	25
19,501 and over	0

Sec. 5. Section 77-3508, Revised Statutes Supplement, 1994, is amended to read:

77-3508. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on any homestead ~~valued for purposes of real property taxation at the maximum value or less~~ of (a) veterans as defined in section 80-401.01 who are totally disabled by a non-service-connected accident or illness, (b) individuals who are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (e) individuals who have undergone amputation of both arms above the elbow, a percentage of the exempt amount as limited by section 1 of this act. The exemption shall be based on the household income of a claimant pursuant to subsections (2), (3), and (4) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through (1)(e) of this section or certification from the United States Department of Veterans Affairs affirming that the homeowner is totally disabled due to non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For 1994, for a married or single claimant as described in subsection (1) of this section whose household income is $10,400 or less, the percentage of the exempt amount for which the claimant is eligible shall be one hundred percent.

(3) For 1995 and each year thereafter, for a married claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 20,000	100
20,001 through 21,000	85
21,001 through 22,000	70
22,001 through 23,000	55
23,001 through 24,000	40
24,001 through 25,000	25
25,001 and over	0

(4) For 1995 and each year thereafter, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A	Column B

Household Income In Dollars	Percentage Of Relief
0 through 17,500	100
17,501 through 18,300	85
18,301 through 19,100	70
19,101 through 19,900	55
19,901 through 20,700	40
20,701 through 21,500	25
21,501 and over	0

Sec. 6. Section 77-3509, Revised Statutes Supplement, 1994, is amended to read:

77-3509. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on any homestead ~~valued for purposes of real property taxation at the maximum value or less~~ of (a) any veteran as defined in section 80-401.01 drawing compensation from the United States Department of Veterans Affairs because of one hundred percent disability and not eligible for total exemption under sections 77-3526 to 77-3528 or the unremarried widow or widower of such veteran, (b) the unremarried widow or widower of any veteran, including those not listed in section 80-401.01, who died because of a service-connected disability, (c) the unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the dates described in section 80-401.01, or (d) the unremarried widow or widower of a serviceman or servicewoman, including those not listed in section 80-401.01, whose death while on active duty was service-connected, a percentage of the exempt amount as limited by section 1 of this act.

The exemption shall be based on the household income of a claimant pursuant to subsections (2), (3), and (4) of this section. Application for exemption under this section shall include certification of the status set forth in this section from the United States Department of Veterans Affairs.

(2) For 1994, for a married or single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 15,000	100
15,001 through 16,000	80
16,001 through 17,000	60
17,001 through 18,000	40
18,001 through 19,000	20

(3) For 1995 and each year thereafter, for a married claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible

shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 20,000	100
20,001 through 21,000	85
21,001 through 22,000	70
22,001 through 23,000	55
23,001 through 24,000	40
24,001 through 25,000	25
25,001 and over	0

(4) For 1995 and each year thereafter, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 17,500	100
17,501 through 18,300	85
18,301 through 19,100	70
19,101 through 19,900	55
19,901 through 20,700	40
20,701 through 21,500	25
21,501 and over	0

Sec. 7. The Revisor of Statutes shall assign section 1 of this act within Chapter 77, article 35.

Sec. 8. This act becomes operative on January 1, 1996.

Sec. 9. Original sections 77-3501, 77-3505.02, and 77-3507 to 77-3509, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE BILL 548. Placed on General File as amended.
Standing Committee amendment to LB 548:
AM0884

1. On page 2, line 19, strike "and"; and in line 24 after "unenforceable" insert "; and

(4) In-kind contribution shall mean a contribution as defined in section 49-1415, an expenditure as defined in subsections (1), (2), and (3) of section 49-1419, or an expenditure described in section 49-1446.01, by any person for the benefit of the candidate. In-kind contributions to or for more than one candidate shall be allocated to each candidate's campaign committee proportionately".

LEGISLATIVE BILL 613. Placed on General File as amended.
Standing Committee amendment to LB 613:
AM0885

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-3437, Revised Statutes Supplement, 1994, is amended to read:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Adopted budget statement shall have the definition found in section 13-503;

(5) Fiscal year shall have the definition found in section 13-503;

(6) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(7) Growth shall mean any property tax revenue received from (a) real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, (b) ~~except for tax year 1992,~~ personal property valuation over the prior year, except that for tax year 1995, the prior year's valuation shall not include the taxable value of depreciable livestock, and (c) motor vehicle valuation over the prior year. Growth shall not include any increased property tax revenue received due (i) to a change in valuation of a class or a subclass of property or (ii) to revaluations of individual properties; and

(8) Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property and from the motor vehicle tax, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or

for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices, (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from the property taxes budgeted the prior fiscal year, or (c) property taxes levied by the county board in a ministerial capacity on behalf of other authorities, boards, commissions, districts, entities, and political subdivisions.

Sec. 2. Section 77-3439, Revised Statutes Supplement, 1994, is amended to read:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes more than the amount permitted by section 77-3438 by the percentage change in the Consumer Price Index - All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year, up to a maximum of ~~five~~ four percent. The increase shall be approved upon the affirmative vote of a majority of the governing body. If such increase is less than ~~five~~ four percent more than the amount permitted by section 77-3438, a governing body may increase the anticipated aggregate receipts from property taxes by an additional amount equal to the difference between the increase approved for the percentage change in the Consumer Price Index - All Urban Consumers and ~~five~~ four percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

(2) In addition to the increase permitted by subsection (1) of this section, (a) a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 and (b) the board of an educational service unit may increase the anticipated aggregate receipts from property taxes for purposes of section 79-2225. Such increase shall be upon an affirmative vote of a majority of the board taken at a public meeting of the board following (i) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (ii) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) In addition to the increase permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body

following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(4) In addition to the increase permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973 not reimbursed by state or federal emergency funds upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(5) The governing body, board of governors, or board of an educational service unit shall give at least seven calendar days' notice of a public hearing called under this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 3. Section 79-3814, Reissue Revised Statutes of Nebraska, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, ~~beginning with budgets adopted for school year 1990-91,~~ no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821, ~~for budgets adopted for school fiscal years 1991-92 through 1994-95,~~ the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of

subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 4. Section 79-3816, Reissue Revised Statutes of Nebraska, is amended to read:

79-3816. The basic allowable growth rate for general fund expenditures other than expenditures for special education shall be ~~four~~ three percent and the allowable growth range shall be from ~~four~~ three percent to ~~six~~ five and one-half percent. The budget authority for special education shall be the actual anticipated expenditures for special education subject to the approval of the state board. Such budget authority shall be used only for special education expenditures.

Sec. 5. Original sections 79-3814 and 79-3816, Reissue Revised Statutes of Nebraska, and sections 77-3437 and 77-3439, Revised Statutes Supplement, 1994, are repealed.

Sec. 6. The following section is outright repealed: Section 77-3441, Revised Statutes Supplement, 1994.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 873. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 67. Placed on General File.
LEGISLATIVE BILL 544. Placed on General File.
LEGISLATIVE BILL 878. Placed on General File.

LEGISLATIVE BILL 104. Indefinitely postponed.
LEGISLATIVE BILL 113. Indefinitely postponed.
LEGISLATIVE BILL 141. Indefinitely postponed.
LEGISLATIVE BILL 243. Indefinitely postponed.
LEGISLATIVE BILL 260. Indefinitely postponed.
LEGISLATIVE BILL 315. Indefinitely postponed.
LEGISLATIVE BILL 457. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 539. Indefinitely postponed.
LEGISLATIVE BILL 617. Indefinitely postponed.
LEGISLATIVE BILL 746. Indefinitely postponed.
LEGISLATIVE BILL 797. Indefinitely postponed.
LEGISLATIVE BILL 812. Indefinitely postponed.
LEGISLATIVE BILL 863. Indefinitely postponed.
LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Revenue

LEGISLATIVE BILL 490. Placed on General File as amended.
Standing Committee amendment to LB 490:
AM0904

1. Strike original sections 19 to 21 and insert the following new sections:

"Sec. 9. In addition to its other powers and duties, the commission may issue writs of mandamus compelling compliance with its orders and compelling the Property Tax Administrator to enforce its orders and may charge the party which has not complied with the commission's orders with costs borne by the Property Tax Administrator.

Sec. 18. In resolving a contested case, the commission may order a reappraisal of property within a county, an area within a county, or classes or subclasses within a county. The commission may also make prospective orders requiring changes in assessment practices which will improve assessment practices or affect the general level of assessment or the measures of central tendency, in a positive way.".

2. On page 3, line 1, strike "22" and insert "21"; and in line 9 strike "9" and insert "10".

3. On page 9, line 6, strike "15 to 18" and insert "16 to 20".

4. On page 11, line 2, after "knowledge" insert "or statistical information regarding general levels of assessment within a county or a class or subclass of property within a county and measures of central tendency within such county or classes or subclasses within such county which have been made known to the commission".

5. On page 141, line 13, strike "171" and insert "170".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 379. Indefinitely postponed.
LEGISLATIVE BILL 610. Indefinitely postponed.
LEGISLATIVE BILL 801. Indefinitely postponed.
LEGISLATIVE BILL 808. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENTS

Mr. Cudaback designates LB 530 as his priority bill.

The Transportation Committee designates LB 715 as its priority bill.

The Revenue Committee designates LB 298 as its priority bill.

STANDING COMMITTEE REPORTS

Revenue

The Committee on Revenue desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jack Ostergard - Agricultural Land Valuation Advisory Board
Robert J. Broomfield - Agricultural Land Valuation Advisory Board
Mona Moje - Agricultural Land Valuation Advisory Board

VOTE: Aye: Senators Coordsen, Hartnett, Landis, Warner, and Wickersham. Nay: None. Absent: Senators Kristensen, Schellpeper, and Will.

(Signed) Jerome Warner, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Larry Schnase - Power Review Board

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Elmer, Jones, and Preister. Absent: Senators Avery and McKenzie.

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Central Interstate Low-Level Radioactive Waste Commission
  F. Gregory Hayden, Ph.D.
  Craig Zeisler

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Jones, and Preister. Present, not voting: Senator Elmer. Absent: Senators Avery and McKenzie.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were John Doyle Jr. from Omaha; Senator Kristensen's parents, Don and Mary Lou Kristensen, from Minden; 28 Japanese students and sponsor from Creighton International Exchange Program; and former Senator Tom Fitzgerald.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FOURTH DAY - MARCH 14, 1995

LEGISLATIVE JOURNAL

FORTY-FOURTH DAY - MARCH 14, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Barbara Thursby, Zion United Church of Christ, Talmage, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hall who was excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Landis, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

UNANIMOUS CONSENT - Members Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reenrolled

The following resolutions were correctly reenrolled: LR 4CA and LR 21CA.

(Signed) David I. Maurstad, Chairperson

ANNOUNCEMENTS

Mr. Warner designates LB 531 as his priority bill.

Mr. Chambers designates LB 519 as his priority bill.

The General Affairs Committee designates LB 344 as its priority bill.

Mr. Wickersham designates LB 99 as his priority bill.

The Transportation Committee designates LB 713 as its priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 95020

DATE:	March 13, 1995
SUBJECT:	Constitutionality of LB 735, Legislation Mandating the Establishment of a College of Engineering at the University of Nebraska at Omaha
REQUESTED BY:	Senator Ardyce L. Bohlke Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of LB 735, legislation introduced on January 19, 1995, which would establish a College of Engineering at the University of Nebraska at Omaha. Specifically, you have asked us to address whether LB 735 violates Article VII, § 14 of the Nebraska Constitution. We emphasize that the analysis and reasoning herein are limited to the legal questions raised by the proposal set forth in LB 735. The public policy question of whether a College of Engineering should be established at the University of Nebraska at Omaha is a separate issue beyond the scope of your inquiry and, therefore, not addressed in our opinion.

Facts

In April, 1994, University of Nebraska President Dennis Smith appointed a task force to study the issue of engineering education in Nebraska. See Board of Regents of the University of Nebraska, Minutes, 59, p. 191 (December 9, 1994). The task force transmitted its final report to the University President on November 11, 1994. Id. At its December 9, 1994, meeting, the University of Nebraska Board of

Regents reviewed the task force findings and the recommendations submitted by the University President. While the Board of Regents adopted several recommendations to bolster engineering education in Nebraska, it rejected a motion to establish an independent College of Engineering at the University's Omaha campus. Id. at 198. Five of the eight Board of Regents members voted against the motion. Id.

On January 19, 1995, Senator Chris Abboud and 13 cosponsors introduced legislation which, in pertinent part, provides:

> The Legislature finds that a College of Engineering should be established at the University of Nebraska at Omaha. The University of Nebraska at Omaha shall offer an engineering program leading to a bachelor's degree through its College of Engineering. The Legislature shall appropriate money necessary to offer the engineering program. The appropriation shall be made to the Board of Regents of the University of Nebraska for the sole purpose of funding the engineering program.

LB 735, Ninety-Fourth Legislature, First Session (emphasis added).

Coordinating Commission For Postsecondary Education

Our review begins with a brief overview of the constitutional and statutory provisions governing Nebraska's Coordinating Commission for Postsecondary Education {"Commission"}. The Commission has been established under the Nebraska Constitution as the entity "which shall, under the direction of the Legislature, be vested with the authority for coordination of public postsecondary educational institutions." Neb. Const. art. VII, § 14. The Constitution expressly defines the term "coordination" to include:

> (1) {a}uthority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education . . . {and}
>
> (2) {a}uthority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature. . . .

Id. (emphasis added). The Constitution specifies that such authority is vested in the Commission "in order to provide compliance and consistency with the comprehensive {statewide} plan {for postsecondary education} and to prevent unnecessary duplication. . . ." Id.

In accordance with this constitutional mandate, the Legislature has enacted the "Coordinating Commission for Postsecondary Education Act," Neb. Rev. Stat. § 85-1401 to § 85-1420 (1994). The Act details and expands upon the powers and duties vested in the Commission by the state constitution.

The Act directs that, in developing its comprehensive statewide plan, the Commission is to include "role and mission statements for each public institution within any general assignments of role prescribed in sections 85-121.05 {pertaining to the Nebraska College of Technical Agriculture at Curtis} and 85-917 to 85-966 {pertaining to the University of Nebraska campuses, the State Colleges, and the Community Colleges}. . . ." Neb. Rev. Stat. § 85-1413(1) (1994).

Specific to our analysis are the program review duties set forth in Neb. Rev. Stat. § 85-1414 (1994). The statute dictates the process and procedures which the Commission is to utilize in its review, monitoring, approval, or disapproval of new and existing programs. For purposes of the Act, the term "program" is defined as "any program of instruction which leads directly to a degree, diploma, or certificate. . . . Program shall also include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs." Neb. Rev. Stat. § 85-1402(5) (1994).

The Commission's program approval authority extends to public postsecondary educational institutions including "each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska." Neb. Const. art. VII, § 14. The statute expressly provides that "{a}ny program which is authorized by action of the Legislature or a governing board and which is not in existence prior to January 1, 1992, {date of the Commission's establishment} shall not become operative unless and until such program has been approved by the commission pursuant to this section." Neb. Rev. Stat. § 85-1414(12) (1994). These provisions would clearly apply to a proposed College of Engineering established upon the University of Nebraska at Omaha campus.

In order to ensure enforcement of the coordination provisions of the Act, the Legislature has provided that "{n}o state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program . . . which has not been approved or which has been disapproved by the {C}ommission pursuant to the Coordinating Commission for Postsecondary Education Act." Neb. Rev. Stat. § 85-1418(1) (1994).

Discussion

Based upon the preceding constitutional and statutory provisions, we now address your inquiry. Several tenets of statutory construction direct our analysis.

First, the Nebraska Supreme Court has determined that constitutional provisions are to be construed more liberally than statutory provisions. Nebraska P. P. Dist. v. Hershey School Dist., 207 Neb. 412, 299 N.W.2d 574 (1980). A second principle of statutory construction requires that before interpretation of the language of a constitutional provision may be engaged in, "it must be demonstrated that the questioned language is unclear or ambiguous and, therefore, requires judicial construction. . . ." State ex rel. Spire v. Beermann, 235 Neb. 384, 389, 455 N.W.2d 749, 752 (1990). If the plain meaning of a constitutional provision cannot be ascertained, then

> {t}he intent and understanding of {the} framers {of a constitutional amendment} and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the

> text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

Id. at 389-90, 455 N.W.2d at 752 (quoting State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 340-41, 37 N.W.2d 502, 507 (1949)) (citations omitted). See also State ex rel. Douglas v. Beermann, 216 Neb. 849, 347 N.W.2d 297 (1984); Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236 (1972).

Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." State ex rel. Stenberg v. Douglas Racing Corp., 246 Neb. 901, 905, ____ N.W.2d ____ (1994); State ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 353 N.W.2d 267 (1984). In so acting, however, the court has established that "{t}he people of the state, by adopting a Constitution, have put it beyond the power of the {L}egislature to pass laws in violation thereof." State ex rel. Randall v. Hall, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933); See also State ex rel. Stenberg v. Murphy, 247 Neb. 358, ___ N.W.2d __ (1995)(holding that "constitutional language controls legislative language, not the other way around."); State ex rel. Caldwell v. Peterson, 153 Neb. 402, 45 N.W.2d 122 (1950)(holding that the Legislature cannot lawfully act beyond limitations of the Constitution). Therefore, as we noted in a prior opinion, "{t}he legislative authority of the Unicameral is extensive. However, it is not limitless." Op. Att'y Gen. No. 93-012 (March 4, 1993) at 5.

Under these rules, we analyze the provision of the state constitution which vests within the Commission's "coordination" powers the "{a}uthority to review, monitor, and approve or disapprove each postsecondary educational institution's programs . . . which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication. . . ." Neb. Const. art. VII, § 14 (emphasis added). We find this language to clearly and unambiguously vest in the Commission the power to approve or disapprove a "postsecondary educational institution's program." As noted earlier, the creation of a proposed College of Engineering falls within that definition. Therefore, to the extent that LB 735, as currently drafted, does not provide in any manner for review of the proposed independent College of Engineering by the Commission, we find the measure to be violative of Article VII, Section 14 of the Nebraska Constitution.

We reach the same conclusion even if we adopt the view that the language of the constitutional provision is unclear and, therefore, subject to further construction. The Nebraska Supreme Court has directed that if the plain meaning of Article VII, Section 14 cannot be ascertained, then we are to review "{t}he intent and understanding of {the} framers {of the constitutional amendment} and the people who adopted it as expressed in the instrument." State ex rel. Spire v. Beermann, 235 Neb. at 389-90, 455 N.W.2d at 752. "It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply." Id.

A historical review illustrates that a form of the current Commission has been in existence since 1976. In that year, the Legislature enacted LB 579 which established a twelve-member "Nebraska Coordinating Commission for Postsecondary Education." See Laws 1976, LB 579, § 2 (codified at Neb. Rev. Stat. § 85-902 (1987)). In 1984, the membership of the Commission was expanded from twelve to seventeen. See Laws 1984, LB 981, § 9. From the time of its inception, the Commission remained merely an advisory body, one devoid of meaningful enforcement power over Nebraska public postsecondary institutions. See Neb. Rev. Stat. § 85-910 (1987)(outlining Commission powers).

Concerned with the apparent lack of effectiveness in coordinating postsecondary education operations within Nebraska, the Legislature commissioned an extensive study of the issue. See Laws 1989, LB 247. Recommendations of consultants retained to conduct the study prompted Senator Ron Withem, then serving as Chairman of the Education Committee, to propose that an amendment to the Nebraska Constitution be forwarded "to the citizens of our state ... for the November ballot {on the question} of whether we should bring about this change in which postsecondary education is coordinated and governed in our state." Education Committee Hearing on LR 239, 91st Neb. Leg., 1st Sess., February 6, 1990 (Testimony of Senator Withem). On April 9, 1990, the Legislature enacted LB 1141, which placed the current provisions of Article VII, Section 14 before the electorate. The proposed constitutional amendment was adopted by a majority of voters in November 1990.

During the legislative session immediately following the November 1990, general election, Senator Withem introduced legislation to implement the newly-adopted constitutional amendment. See Introducer's Statement of Intent, LB 663, 92nd Neb. Leg., 1st Sess., February 12, 1991. In several instances during floor debate of LB 663, questions regarding the extent of the Commission's program review authority arose. For example,

> SENATOR ROBINSON: What power do they have as far as program goes, the coordinating commission?
>
> SENATOR WITHEM: What program do they have?

> SENATOR ROBINSON: Yeah, what power to they have as far setting programs . . .
> SENATOR WITHEM: They can approve programs, request to start a new program. They can approve that or they can disapprove it. If it is disapproved it goes out of existence. They can review existing programs and they can disapprove those. They have very, very strong powers in terms of program review and approval and disapproval.
> . . .
> SENATOR WARNER: . . . the program review authority and disapproval or approval as spelled out by Senator Withem, and again, it's a very strong one because if the coordinating commission disapproves a program even though we fund the program, even though the Legislature would fund the program under the mechanism, a warrant for the cost of those, at least to be provided for with state funds, but the General Fund money could not proceed....

Floor debate on LB 663, 92nd Neb. Leg., 1st Sess., March 25, 1991.

Further, in highlighting various provisions of the bill during its consideration, Senator Withem summarized as follows:

> SENATOR WITHEM: Finally, the bill makes a number of changes in our role and mission statutes. . . . I would point out to you that although the bill makes statutory changes in role and mission, those programs needed to implement those role and mission changes cannot go into effect until they will be approved by the Postsecondary Coordinating Commission.

Id.

In debate on an amendment regarding education centers offered to LB 663 by Senator Nelson, it was noted that

> SENATOR WITHEM: We have established the commission constitutionally with the authority to approve or disapprove programs. We, as the Legislature, have in effect said this . . . the floor of the Legislature is not the appropriate place to make these decisions. The appropriate place to make these decisions is within the coordinating commission. For us, in the very year that that {sic} would pass, after that passed, to violate that and come in and establish education centers legislatively I think would be the wrong signal about how seriously we're taking the coordinating commission.

Id.

The Commission's history and the debate centering upon the extent of the Commission's role in postsecondary education demonstrate the Legislature's clear intent to vest substantial program review powers in the Commission. We conclude that enactment of LB 735, without providing for a program review by the Coordinating Commission for Postsecondary Education, would violate the state constitution as well as several provisions of the corresponding "Coordinating Commission for Postsecondary Education Act."

Additional Considerations

In addition to the issues raised by LB 735 under Article VII, Section 14 of the Nebraska Constitution, our research prompted the following considerations which should be contemplated by the Legislature.[1]

Your letter notes that in 1994, the Legislature enacted statutory language providing:

> After January 1, 1995, the Legislature shall not change the role and mission provisions in this section and sections 85-121.05 and 85-917 to 85-966 unless and until a proposal for such change has first been reviewed by the Coordinating Commission for Postsecondary Education and its recommendations on such proposal have been given to the Legislature pursuant to subdivision (2) of section 85-1412, section 85-1414, or otherwise.

Neb. Rev. Stat. § 85-966.01 (1994).

You indicate that while the statute is subject to amendment or repeal, "the language provides one Legislature's interpretation of how the authority of the Coordinating Commission should be viewed." We agree. Moreover, enactment of LB 735 would appear to contradict two statutes in addition to Neb. Rev. Stat. § 85-966.01. First, Neb. Rev. Stat. § 85-1414(12) (1994) mandates that "{a}ny program which is authorized by action of the Legislature . . . and which is not in existence prior to January 1, 1992, shall not become operative unless and until such program has been approved by the commission pursuant to this section." Next, Neb. Rev. Stat. § 85-1418(1) (1994) assures that "{n}o state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program . . . which has not been approved or which has been disapproved by the commission pursuant to the Coordinating Commission for Postsecondary Education Act."

The enactment of LB 735 without repeal or amendment of all three of these statutes would provide conflicting law as to the Commission's program review authority. Generally, the Legislature is presumed to have intended that every provision of a statute have meaning. Richardson v. Board of Ed. of School Dist. No. 100, 206 Neb. 18, 290 N.W.2d 803 (1980). Further, in enacting legislation, the Legislature is presumed to have known the preexisting state of the law. In re Hilbers Property Freehold Transfer, 211 Neb. 268, 318 N.W.2d 265 (1982). Based upon these two presumptions of law, a reviewing court has a duty to give effect to the language of every statute and to reconcile various provisions so that they are harmonious. State v. Black, 195 Neb. 366, 238 N.W.2d 231 (1976).

If current statutes remain in place and LB 735 is enacted, an argument exists that, to the extent the provisions of LB 735 contradict current law, then a repeal by implication would occur. The court has indicated:

> While repeals of statutes by implication are not favored and a statute will not be considered so repealed unless the repugnancy between the new enactment and the former statute is plain and

unavoidable, where such repugnancy exists, the new enactment will be deemed to have repealed the former statute by implication.

State v. Fellman, 236 Neb. 850, 857-58, 464 N.W.2d 181, 187 (1991); Mauler v. Pathfinder Irr. Dist., 244 Neb. 217, 505 N.W.2d 691 (1993). Thus, "a legislative act which is complete in itself and is repugnant to or in conflict with a prior law repeals the prior law by implication to the extent of the repugnancy or conflict." Mauler, 244 Neb. at 219, 505 N.W.2d at 693. We cannot opine with certainty as to whether a reviewing court would declare a repugnancy between the provisions of LB 735 and current law. We merely direct your attention to the issue and recommend that existing statutory provisions be considered.

Conclusion

In conclusion, LB 735, as currently drafted, violates Article VII, § 14 of the Nebraska Constitution. The defect in the legislation could be repaired by an amendment which would make implementation of the legislation subject to the review and approval of the Coordinating Commission for Postsecondary Education. In addition, the Legislature should carefully examine existing statutes and make any revisions it deems necessary to clearly effect its intent.

[1] For purposes of reaching our conclusion in this opinion, we did not find it necessary to address the precedent established by the court's holding in Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977).

Sincerely,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-20-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 73. Introduced by Schellpeper, 18.

WHEREAS, the Laurel-Concord boys' basketball team is the champion of the 1995 Class C-2 Boys' State Basketball Tournament; and

WHEREAS, Head Coach Clayton Steele guided Laurel-Concord to a 24-2 record and the Bears' first tournament appearance since 1972; and

WHEREAS, the impressive win over a talented Lincoln Christian team in the final game capped the Bears' first boys' state basketball championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Laurel-Concord High School Bears be congratulated on winning the 1995 Class C-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the members of the Laurel-Concord High School boys basketball team and their coaches.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 4CA and 21CA.

GENERAL FILE

LEGISLATIVE BILL 658. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 88. Placed on General File.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 212. Placed on General File.
LEGISLATIVE BILL 443. Placed on General File.

LEGISLATIVE BILL 399. Placed on General File as amended.
Standing Committee amendment to LB 399:
AM0645

1. Strike original section 2 and insert the following new section:

"Sec. 2. (1) Beginning on the effective date of this act, a candidate committee shall not accept more than fifteen thousand dollars in loans prior to or during the first thirty days after formation of the candidate committee. After such thirty-day period and until the end of the term of the office to which the candidate sought nomination or election, the candidate committee shall not accept loans in an aggregate amount of more than fifty percent of the contributions of money, other than the proceeds of loans, which the candidate committee has received during such period as of the date of the receipt of the proceeds of the loan.

A candidate committee shall not pay interest, fees, gratuities, or other sums in consideration of a loan, advance, or other extension of credit to the candidate committee by the candidate, a member of the candidate's immediate family, or any business with which the candidate is associated.

(2) The penalty for violation of this section shall be a civil penalty of not less than one thousand dollars and not more than the amount of money received by a candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.".

LEGISLATIVE BILL 820. Placed on General File as amended.
Standing Committee amendment to LB 820:
AM0497

1. Insert the following new section:

Section 1. Section 11-101, Reissue Revised Statutes of Nebraska, is amended to read:

11-101. All state, district, county, precinct, township, municipal, and especially appointed officers, except those mentioned in Article XV, section 1, of the Constitution of ~~the State of~~ Nebraska, and all peace officers as defined in subdivision (15) of section 49-801, shall, before entering upon their respective duties, take and subscribe the following oath, which shall be endorsed upon their respective bonds:

I, ..., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of ~~the State of~~ Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of ...., according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

If any such officer is not required to give bond, the oath shall be filed in the office of the Secretary of State~~,~~ or of the clerk of the county, city, village~~,~~ or other municipal subdivision of which he ~~shall be~~ or she is an officer.".

2. On page 4, line 9, after "sections" insert "11-101,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 482. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 658A. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 658, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

UNANIMOUS CONSENT - Print in Journal

Mr. Fisher asked unanimous consent to print the following amendment to LB 494 in the Journal. No objections. So ordered.

AM0949

1. On page 5, line 18, reinstate the stricken "acknowledged" and strike "notarized" and insert "before a notary public".

2. On page 7, line 3, strike "notarized" and insert "acknowledged before a notary public".

ANNOUNCEMENTS

Mr. Dierks designates LB 106 as his priority bill.

Mrs. Hudkins designates LB 209 as her priority bill.

The Banking, Commerce and Insurance Committee designates LB 385 and LB 615 as its priority bills.

Mr. Landis designates LB 384 as his priority bill.

The Business and Labor Committee designates LB 504 as its priority bill.

Mr. Maurstad designates LB 418 as his priority bill.

RESOLUTIONS

LEGISLATIVE RESOLUTION 74. Introduced by Dierks, 40.

WHEREAS, the Elgin Eagles Boys' Basketball Team won the 1995 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the Eagles completed a 23-2 season with a 51-39 victory over Table Rock in the Class D-2 championship game; and

WHEREAS, coach Phil Kluthe and the Eagles continued an outstanding team tradition, which also included a state championship in 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Elgin Eagles for their state championship.
2. That a copy of this resolution be sent to Elgin High School.

Laid over.

LEGISLATIVE RESOLUTION 75. Introduced by Wesely, 26; Landis, 46.

WHEREAS, the Lincoln Northeast High School boys' basketball team on March 11th won the 1995 Class A Boys' State Championship and finished with an outstanding season record of 22 wins and 3 losses; and

WHEREAS, Northeast High School has a proud basketball tradition filled with success, including nine state basketball championships; and

WHEREAS, Northeast's boys basketball team has an outstanding coaching staff headed by Rick Collura who, with this victory, won his first state championship and has lead his teams to three previous state championship game appearances; and

WHEREAS, the Northeast basketball team has demonstrated, in addition to its tremendous talent, a dedication and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, the coaches and members of the Lincoln Northeast High School boys' basketball team are deserving of special recognition for their success this season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and commends the Northeast High School boys' basketball team and Coach Rick Collura and his staff for winning the 1995 Class A Championship.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 658. Mr. Chambers offered the following amendment:

FA79

Strike all provisions except the Committee Amendments (AM0772)

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. LINDSAY PRESIDING

PRESIDENT ROBAK PRESIDING

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Crosby requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 16:

Avery
Bernard-Stevens
Chambers
Crosby
Dierks
Engel
Hartnett
Lindsay
Lynch
Pedersen
Preister
Robak
Schimek
Schrock
Stuhr
Will

Voting in the negative, 21:

Abboud
Beutler
Bohlke
Brashear
Bromm
Coordsen
Day
Elmer
Fisher
Hillman
Janssen
Jensen
Jones
Matzke
Pirsch
Robinson
Schellpeper
Vrtiska
Wehrbein
Wickersham
Witek

Present and not voting, 6:

Cudaback
Hudkins
Maurstad
Schmitt
Wesely
Withem

Absent and not voting, 1:

Brown

Excused and not voting, 5:

Hall
Kristensen
Landis
McKenzie
Warner

The Chambers amendment lost with 16 ayes, 21 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 533. Placed on General File as amended.
Standing Committee amendment to LB 533:
AM0954

1. Insert the following new section:

"Section 1. Section 60-315, Reissue Revised Statutes of Nebraska, is amended to read:

60-315. (1)(a) Upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage certificate of title is issued, (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, ~~or~~ (e) in case of a change in the tax situs of a motor vehicle to a location outside of this state, (f) upon a trade-in or surrender of a motor vehicle under a lease, or (g) upon a return to inventory by the dealer, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs and by either making affidavit to the county treasurer or designated county official as provided in section 60-302 of the occurrence of an event described in subdivisions (a) through (d), (f), or (g) of this subsection or, in the case of a change in tax situs, displaying to the county treasurer or designated county official the registration certificate of such other state as evidence of a change in tax situs, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of the event, except that when such date falls within the same calendar month in which the vehicle or trailer is acquired, no refund shall be allowed for such month. The registered owner shall make a claim for credit or refund of the unused fees within sixty days from the date of the event or shall be deemed to have forfeited his or her right to such refund. For purposes of this subsection, the date of the event shall be, in the case of a transfer or loss, the date of the transfer or loss, in the case of a change in the tax situs, the date of registration in another state, in the case of a legislative act, the effective date of the act, ~~and~~ in the case of a court decision, the date the decision is rendered, in the case of a trade-in or surrender under a lease, the date of the termination of a lease, and in the case of a return to dealer inventory, the date of such return. Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within thirty days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer or designated county official showing that a motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the county treasurer or designated county official of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer or designated county official shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee for the remainder of the registration year.".

2. On page 4, line 12, after "Original" insert "section 60-315, Reissue Revised Statutes of Nebraska, and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 646. Placed on General File as amended.
Standing Committee amendment to LB 646:
AM0903

1. Insert the following new section:

"Sec. 4. Any county may opt out of the County Revenue Assistance Act by adopting a resolution to that effect after notice and a public hearing thereon prior to January 1, 1996. Any county which opts out of the act shall not be assessed under section 3 of this act and shall not be eligible to receive funds or other assistance under the act. A county which has opted out of the act may subsequently rescind its resolution and come under the act again beginning the following January 1.".

2. On page 3, line 26, strike "12" and insert "13".

3. On page 4, strike beginning with "The" in line 17 through the period in line 17.
4. On page 6, line 24, strike "10" and insert "11".
5. On page 7, line 1, strike "13" and insert "14".
6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 31. Indefinitely postponed.
LEGISLATIVE BILL 95. Indefinitely postponed.
LEGISLATIVE BILL 107. Indefinitely postponed.
LEGISLATIVE BILL 115. Indefinitely postponed.
LEGISLATIVE BILL 585. Indefinitely postponed.
LEGISLATIVE BILL 605. Indefinitely postponed.
LEGISLATIVE BILL 648. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.
LEGISLATIVE BILL 706. Indefinitely postponed.
LEGISLATIVE BILL 707. Indefinitely postponed.
LEGISLATIVE BILL 760. Indefinitely postponed.
LEGISLATIVE BILL 833. Indefinitely postponed.
LEGISLATIVE BILL 853. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 825. Placed on General File as amended.
Standing Committee amendment to LB 825:
AM0934

1. On page 2, line 13, strike "or" and insert an underscored comma; and in line 14 after "person" insert ", or the department".

LEGISLATIVE BILL 832. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 406A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 766A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 766, Ninety-fourth Legislature, First Session, 1995.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Introduced by Schmitt, 41.

WHEREAS, the St. Paul Wildcats boys' basketball team won the 1995 Class C-1 State Basketball Championship; and

WHEREAS, the Wildcats defeated Fairbury by a score of 55-42 in the title game, finishing the season with a record of twenty-four wins and two losses;

WHEREAS, the team members as well as Coach Rick Peters and Assistant Coach Brad Wells deserve special recognition for the teamwork and discipline they displayed throughout the season which contributed to the team's success; and

WHEREAS, this championship represents the Wildcats' first boys' state basketball tournament appearance since 1929; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulate the St. Paul Wildcats boys' basketball team for its Class C-1 State Basketball Championship and for its successful season.
2. That a copy of this resolution be sent to Coach Rick Peters and Assistant Coach Brad Wells and the members of the St. Paul High School boys' basketball team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 840 in the Journal. No objections. So ordered.

AM0967

(Amendments to Standing Committee amendments, AM0892)

1. Insert the following new section:

"Sec. 8. Section 79-3805, Reissue Revised Statutes of Nebraska, is amended to read:

79-3805. (1) Using data from the annual financial reports and the annual statistical summary reports for the most recently available complete data year, the department shall calculate the tiered cost per student for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve for each district as described in subsections

(2) through ~~(8)~~ (11) of this section.

(2) Each district's general fund operating expenditures for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve shall be computed as follows: (a) The weighted average daily membership for kindergarten shall equal the average daily membership for kindergarten multiplied by five-tenths; (b) the weighted average daily membership for grades one through six, including full-day kindergarten, shall equal the average daily membership for such grades multiplied by one; (c) the weighted average daily membership for grades seven and eight shall equal the average daily membership for such grades multiplied by one and two-tenths; (d) the weighted average daily membership for grades nine through twelve shall equal the average daily membership for such grades multiplied by one and four-tenths; and (e) the total weighted average daily membership shall equal the sum of grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve weighted average daily membership values. Each district's general fund operating expenditures for each grade group shall be calculated by dividing that grade group's weighted average daily membership by the total weighted average daily membership in the district and multiplying the result by the district's total general fund operating expenditures.

(3) Each district with general fund operating expenditures in grades one through six, including full-day kindergarten, shall be placed into a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	50.50	.01 - 101.00
2	143.00	101.01 - 185.00
3	280.00	185.01 - 375.00
4	687.50	375.01 - 1,000.00
5	1,450.00	1,000.01 - 1,900.00
6	8,450.00	1,900.01 - 15,000.00
7	Median average daily membership of tier	15,000.01 and over

The average general fund operating expenditures per student for grades one through six, including full-day kindergarten, shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing by the total average daily membership for such grades for all districts in the tier.

(4) Each district with general fund operating expenditures in grades nine through twelve shall be placed in a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	25.00	.01 - 50.00

2	62.50	50.01 - 75.00
3	87.50	75.01 - 100.00
4	125.00	100.01 - 150.00
5	200.00	150.01 - 250.00
6	375.00	250.01 - 500.00
7	750.00	500.01 - 1,000.00
8	5,500.00	1,000.01 - 10,000.00
9	Median average daily membership of tier	10,000.01 and over

The average general fund operating expenditures per student for grades nine through twelve shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing such sum by the total average daily membership for such grades for all districts in the tier.

(5) ~~Tiered~~ Except as provided in subsection (7) of this section, tiered cost per student values shall be computed for grades one through six, including full-day kindergarten, for each district as follows:

(a) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are greater than the midpoint of tier 7 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 7; and

(c) For districts with average daily memberships for grades one through six, including full-day kindergarten, which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(6) ~~Tiered~~ Except as provided in subsection (7) of this section, tiered cost per student values shall be computed for grades nine through twelve for each district as follows:

(a) For districts with average daily memberships for grades nine through twelve which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades nine through twelve which are greater than the midpoint of tier 9 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 9; and

(c) For districts with average daily memberships for grades nine through twelve which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(7) In Class II, III, IV, V, and VI districts in which the grades nine through twelve average daily membership from the most recently available complete data year was less than 50.00 and in which a high school is within fifteen miles of another public high school on a highway, the tiered cost per student for each grade group described in subsections (5) and (6) of this section shall be:

(a) For school year 1995-96, the average tiered cost per student of districts in tier 2;

(b) For school year 1996-97, the average tiered cost per student of districts in tier 3;

(c) For school year 1997-98, the average tiered cost per student of districts in tier 4; and

(d) For school years 1998-99 and each school year thereafter, the statewide average tiered cost per student or the district's tiered cost per student, whichever is less.

(8) The tiered cost per student for kindergarten shall be calculated by multiplying each district's tiered cost per student for grades one through six, including full-day kindergarten, by five-tenths.

~~(8)~~ (9) The tiered cost per student for grades seven and eight shall be calculated as follows: For Class II, Class III, Class IV, and Class V districts, the tiered cost per student shall be the calculated mean of the district's tiered cost per student for grades one through six, including full-day kindergarten, and for grades nine through twelve; for Class I districts, the tiered cost per student shall be the district's tiered cost per student for grades one through six, including full-day kindergarten, multiplied by one and two-tenths; and for Class VI districts providing instruction in grades seven and eight as authorized by section 79-1109, the tiered cost per student shall be the district's tiered cost per student for grades nine through twelve multiplied by one and two-tenths and the result divided by one and four-tenths.

~~(9)~~ (10) The tiered cost per student for nonresident high school tuition funds shall be the average general fund operating expenditures per student for grades nine through twelve for all districts included in subsection (4) of this section.

~~(10)~~ (11) In districts which receive payments pursuant to Public Law 81-874 and in which there are students enrolled who reside on Indian land, as defined under regulations of the United States Department of Education in effect on July 10, 1990, promulgated pursuant to Public Law 81-874, the tiered cost per student, for each grade level, calculated pursuant to subsections (5) through ~~(8)~~ (10) of this section, shall be increased by a factor equal to the result of multiplying the ratio of average daily attendance of students who reside on Indian land to the total average daily attendance of the district, as reported by the United States Department of Education in calculating the district's payment pursuant to Public Law 81-874, times twenty-five percent.".

2. On page 37, line 15, strike ", 79-3804," and insert "to".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM0742

1. On page 80, line 14, after the period insert "If such personnel include law enforcement personnel rendering aid in their law enforcement capacity, the law enforcement personnel shall have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of any political subdivision or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of their primary jurisdiction.".

ANNOUNCEMENTS

Mr. Will designates LB 505 as his priority bill.

Mrs. Witek designates LB 613 as her priority bill.

Mr. Avery designates LB 642 as his priority bill.

NOTICE OF COMMITTEE HEARING
Executive Board

LR 26 Tuesday, March 21, 1995 12:00 noon

(Signed) Timothy J. Hall, Chairperson

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 14, 1995, at 9:50 a.m., were the following resolutions: LR 4CA and LR 21CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 658. Considered.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Messrs. Pedersen, Lindsay, and Beutler offered the following amendment:
AM0986

1. On page 3, line 8, reinstate the stricken "shall", strike "does not", and after "child" insert "but only during the last three months of pregnancy"; in line 14 after the stricken "a" insert "A"; and reinstate the stricken matter beginning with "pregnant" in line 14 through the period in line 20.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Hartnett moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Pedersen-Lindsay-Beutler amendment was adopted with 31 ayes, 5 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Avery
Bernard-Stevens
Brashear
Bromm
Brown
Chambers
Crosby
Day
Dierks
Engel
Fisher
Hillman
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Schimek
Schrock
Stuhr
Wesely
Wickersham
Withem

Voting in the negative, 5:

Abboud
Jensen
Jones
Pirsch
Witek

Present and not voting, 15:

Beutler
Bohlke
Coordsen
Cudaback
Elmer
Hartnett
Hudkins
Janssen
Kristensen
Matzke
Robinson
Schellpeper
Schmitt
Wehrbein
Will

Excused and not voting, 3:

Hall
Vrtiska
Warner

Advanced to E & R for review with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File as amended.
(E & R amendment, AM7058, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 37A. Placed on Select File.
LEGISLATIVE BILL 300. Placed on Select File.

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendment to LB 430:
AM7055

1. On page 1, line 4, after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 494. Placed on Select File as amended.
E & R amendment to LB 494:
AM7057

1. On page 5, line 15, strike "are" and insert "is".
2. On page 6, lines 4 and 5, underscore "Secretary of State".
3. On page 10, line 17, after "time" insert an underscored comma.
4. On page 11, line 16; and page 12, line 1, strike "deem", show as stricken, and insert "deems".
5. On page 14, line 17, reinstate the first stricken comma; and in line 26 strike "determine", show as stricken, and insert "determines".

LEGISLATIVE BILL 837. Placed on Select File as amended.
E & R amendment to LB 837:
AM7059

1. On page 1, line 1, after "44-5253" insert ", 44-5256,"; and in line 4 strike "and" and after "sections" insert "; and to declare an emergency".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 750. Placed on General File as amended.
Standing Committee amendment to LB 750:
AM0941

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 16 of this act shall be known and may be cited as the High-Level Nuclear Waste Liability Act.

Sec. 2. For purposes of the High-Level Nuclear Waste Liability Act, the definitions found in sections 3 to 14 of this act apply.

Sec. 3. Environment means any surface water, ground water, water supply, land surface, subsurface stratum, or ambient air within the State of Nebraska.

Sec. 4. Ground water means water in a saturated zone or stratum beneath the surface of land or water.

Sec. 5. Natural resources means land, fish, wildlife, biota, air, water, ground water, and water supplies.

Sec. 6. Nuclear waste means the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the federal Nuclear Regulatory Commission determines by rule to require permanent isolation.

Sec. 7. Person means an individual, firm, corporation, partnership, limited liability company, association, joint venture, trust, estate, public or private institution, group, public agency, commercial entity, city, village, political subdivision including a natural resources district, the state, or any interstate body and any legal successor, representative, agency, or agent of the listed entities.

Sec. 8. Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of nuclear waste or spent nuclear fuel into the environment, including the abandonment or discarding of barrels or closed containers of nuclear materials but excluding release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act, 42 U.S.C. 2014, if such release is subject to requirements with respect to financial protection established by the federal

Nuclear Regulatory Commission.

Sec. 9. Remedial action means those actions consistent with a permanent remedy taken instead of, or in addition to, the removal action taken if a release of nuclear waste or spent nuclear fuel into the environment occurs. The remedial action is taken to prevent or minimize the release of nuclear waste or spent nuclear fuel so that it does not migrate to cause substantial danger to the present or future public health or welfare or the environment. Remedial action includes, but is not limited to, action taken at the location of a release such as storage, confinement, clay cover, neutralization, cleanup of released nuclear waste or spent nuclear fuel or contaminated materials, diversion, dredging, excavation, repair or replacement of leaking container, collection of leachate or runoff, provision of alternative water supplies, perimeter protection using dikes, trenches, or ditches, or any monitoring reasonably required to assure that such action protects the public health and welfare and the environment. Remedial action also includes the permanent relocation of residences, agricultural enterprises, businesses, and community facilities when necessary to protect the public health or welfare or the environment.

Sec. 10. Removal means the cleanup or removal of a release from the environment; action that is necessary to monitor, assess, and evaluate a release; disposal of removed material; or other action that is necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment which may otherwise result from a release. Removal includes, but is not limited to, security fencing or other measures to limit access, the provision of alternative water supplies, temporary evacuation, and housing of threatened individuals.

Sec. 11. Response means removal or remedial action, including enforcement activities related to the removal or remedial action.

Sec. 12. Spent nuclear fuel means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

Sec. 13. Transportation means the movement of nuclear waste or spent nuclear fuel and includes any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier. Any such stoppage is considered as continuity of movement and not as storage of nuclear waste or spent nuclear fuel.

Sec. 14. Water supply means any raw or finished water source that may be used by a public water system as drinking water by one or more individuals or may be used as water for livestock or for purposes of agricultural irrigation.

Sec. 15. (1) A person may recover damages for personal injury, death, or injury to or loss of personal or real property proximately resulting from a release, for all costs of response, and for damages for injury to or loss of natural resources, including the reasonable costs of assessing and responding to such injury or loss proximately resulting from a release.

(2) The state or a natural resources district may recover damages for injury to or loss of natural resources, including the reasonable costs of assessing and responding to such injury or loss proximately resulting from a release. The state and natural resources district shall use damages recovered in such action to restore, rehabilitate, or acquire the equivalent of the damaged natural resources, but the measure of damages is not limited by the amount which can be used to restore, rehabilitate, or replace the damaged natural resources.

(3) There shall be no double recovery for natural resource damages, including the costs of damage assessment or restoration, rehabilitation, or acquisition, for the same release and the same natural resource.

(4) Notwithstanding any other provision of law and subject only to the defenses set out in subsection (5) of this section, the following persons are jointly and severally strictly liable in tort for damages resulting from a release:

(a) Any person who produced nuclear waste or spent nuclear fuel which was released;

(b) Any person who by contract, agreement, or otherwise arranged for transportation of the nuclear waste or spent nuclear fuel which was released; and

(c) Any person who accepts or accepted any nuclear waste or spent nuclear fuel for transportation which was released.

(5) There is no liability under this section for a person who can establish by a preponderance of the evidence that the release and the resulting damages were caused solely by an act of God, an act of war, or any combination of such acts.

Sec. 16. (1) An action to recover damages for personal injury or death allegedly proximately resulting from a release shall be commenced within four years after the injured person discovers the injury and that such injury was caused by exposure to a release or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier, except that such action shall be commenced within forty years after the date of the exposure to the release or is forever barred.

(2) An action to recover damages for injury to or loss of personal property, real property, or natural resources or for response costs allegedly proximately resulting from a release shall be commenced within four years after the person discovers the injury or damage and that such injury was caused by the release or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier, except that such action shall be commenced within forty years after the date of the release or is forever barred.

Sec. 17. Section 25-224, Reissue Revised Statutes of

Nebraska, is amended to read:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ~~ten~~ forty years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 18. Original section 25-224, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) John Lindsay, Chairperson

Business and Labor

LEGISLATIVE BILL 888. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, March 23, 1995, Room 1003 4:00 p.m.
University of Nebraska Bond Requests
(Legislative Journal pages 975 to 977)

(Signed) Roger R. Wehrbein, Chairperson

ANNOUNCEMENTS

Mr. Preister designates LB 750 as his priority bill.

Mr. Withem designates LB 371 as his priority bill.

Mr. Lindsay designates LB 881 as his priority bill.

The Education Committee designates LB 624 and LB 676 as its priority bills.

The Judiciary Committee designates LB 423 and LB 516 as its priority bills.

The Revenue Committee designates LB 295 as its priority bill.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Railway Council
    Carl Larsen
    Gary Rasmussen
    John Rebensdorf
    Frank Landis
Nebraska Motor Vehicle Industry Licensing Board
    Robert McLaughlin
    Michael O. Fleming
    Mel Auch
    Robert L. Spady

VOTE: Aye: Senators Avery, Coordsen, Day, Kristensen, Matzke, Pedersen, and Pirsch. Nay: None. Not Voting: Senator Jones.

(Signed) Doug Kristensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 77. Introduced by Day, 19; Robak, 22; Schellpeper, 18; Dierks, 40.

WHEREAS, Carl Maltas had served as a public servant for the City of Norfolk as a member of the city council from 1984 to 1986, and as mayor from 1986 to 1992; and

WHEREAS, Mr. Maltas served as President of the League of Nebraska Municipalities from 1991 to 1992; and

WHEREAS, Mr. Maltas had been serving as a member of the State Board of Health since 1989; and

WHEREAS, Carl Maltas was a respected member of his community and demonstrated a dedication to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its condolences and sympathy to the members of the late Carl Maltas family.
2. That a copy of this resolution be sent to his widow, Corrine.

Laid over.

MOTION - Place LB 863 on General File

Mr. Maurstad moved, pursuant to Rule 3, Section 17, to have LB 863 placed on General File, notwithstanding the action of the Judiciary Committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 189. Title read. Considered.

Standing Committee amendment, AM0215, found in the Journal on page 623, was considered.

Messrs. Jones, Robinson, and Coordsen asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM0839

1. On page 9, strike beginning with "Such" in line 10 through the period in line 15.

Mr. Bromm asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM0952

1. On page 9, line 6, after "(5)" insert "The special master's decision shall be binding on the parties and shall constitute admissible evidence in any subsequent trial between the same parties on the same issues brought pursuant to section 48-818.

(6)".

ANNOUNCEMENTS

Mr. Wehrbein designates LB 283 as his priority bill.

The Appropriations Committee designates LB 33 and LB 241 as its priority bills.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 637. Placed on General File as amended. (Standing Committee amendment, AM0964, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 887. Placed on General File as amended.
Standing Committee amendment to LB 887:
AM0982

1. On page 2, after line 8, insert:
"Claim No. 95-343, against the Secretary of State,
pay to Nebraska Press Advertising Service, 1120 'K'
Street, Lincoln, NE 68508, out of the General Fund 140,506.45"
and after line 15 insert:
"Claim No. 94-129, against the Department of Roads,
pay to Leann Rasmussen, Rt. 3 Box 147B, Ord, NE

68862, out of the Roads Operations Cash Fund	2,396.79
Claim No. 94-226, against the Department of Social Services, pay to John Niemoth, 126 Spruce St., Niobrara, NE 68760, out of the General Fund	691.81
Claim No. 94-436, against the Department of Revenue, pay to Robert and Marjorie Knisely, c/o Thomas J. Guilfoyle, Attorney, 10855 West Dodge St., Suite 250, Omaha, NE 68154, out of the General Fund	130,289.00
Claim No. 95-127, against the Department of Correctional Services, pay to Belinda Reed, P. O. Box 36, Green, KS 67447, out of the General Fund	808.70"

in line 20 strike "34,846.07" and insert "307,142.03"; in line 21 strike "132.44" and insert "2,529.23"; and in line 22 strike "34,978.51" and insert "309,671.26".

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 418. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM0937

(Amendments to Standing amendments, AM0215)

1. Insert the following new section:

"Sec. 3. The State Court Administrator shall compile uniform and accurate statistics which will assist in the evaluation of judicial workloads. The judicial workload statistics shall be based on caseload numbers weighted by category of case. The judicial workload statistics shall be compiled annually for each district and county judicial district in the state.".

2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Hampton; Dennis Wells from Beatrice; Charles Dahm and Kate Petersen; and members of Nebraska Land Improvement Contractors' Association.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIFTH DAY - MARCH 15, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Hall, Vrtiska, and Wesely who were excused; and Messrs. Beutler, Bromm, Kristensen, Landis, Lindsay, Robinson, Warner, Wickersham, Will, Ms. Day, Mmes. Pirsch, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-forth day was approved.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 406. Placed on Select File as amended.
(E & R amendment, AM7056, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 718. Placed on Select File as amended.
E & R amendment to LB 718:
AM7062

1. On page 1, line 1, strike "section" and insert "sections 37-719 and"; and strike beginning with "terms" in line 5 through "Statutes" in line 9 and insert "and redefine terms; to change sale, possession, importation, and production restrictions".

LEGISLATIVE BILL 508. Placed on Select File.
LEGISLATIVE BILL 275A. Placed on Select File.
LEGISLATIVE BILL 307. Placed on Select File.

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendment to LB 90:
AM7060

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 25-2705, Reissue Revised Statutes of Nebraska, is amended to read:

25-2705. Either party to any case in county court, except criminal cases arising under city or village ordinances, criminal cases for which the penalty does not include imprisonment, traffic infractions, other infractions, and ~~any matter~~ matters arising under the Nebraska Probate Code, may demand a trial by jury. In civil cases, the demand shall be in writing and shall be filed on or before answer day except as otherwise provided in section 25-2805. All provisions of law relating to juries in the district courts shall apply to juries in the county courts, and the district court jury list shall be used, except that juries in the county courts shall consist of six persons. Any defendant charged in a criminal case arising under a city or village ordinance may demand a trial by jury if the defendant could demand a trial by jury for the same or substantially the same offense charged under state law and if the penalty under the city or village ordinance includes imprisonment.

Sec. 2. Original section 25-2705, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 2, strike "eliminate" and insert "change provisions relating to".

LEGISLATIVE RESOLUTION 27CA. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 293. Indefinitely postponed.

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ann O'Hara - Nebraska Arts Council
Gretchen Peters - Nebraska Arts Council

VOTE: Aye: Senators Cudaback, Elmer, Hartnett, Hudkins, Robinson, Schellpeper, and Will. Nay: None. Absent: Senator Hall.

(Signed) Stan Schellpeper, Chairperson

ANNOUNCEMENT

The Chair announced tomorrow is Senator Brashear's birthday.

MOTION - Place LB 21 on General File

Mr. Chambers renewed his pending motion, found in the Journal on page 1024, that LB 21 be placed on General File notwithstanding the action of the Business and Labor Committee.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his motion to place LB 21 on General File.

Voting in the affirmative, 9:

Brown
Chambers
Crosby
Lynch
Maurstad
Preister
Robak
Schimek
Withem

Voting in the negative, 26:

Abboud
Brashear
Bromm
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
McKenzie
Pedersen
Schellpeper
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 2:

Hartnett Robinson

Excused and not voting, 12:

Avery
Bernard-Stevens
Beutler
Bohlke
Hall
Kristensen
Landis
Lindsay
Pirsch
Vrtiska
Wesely
Will

The Chambers motion lost with 9 ayes, 26 nays, 2 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE RESOLUTION 14CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 39CA. Indefinitely postponed.

LEGISLATIVE BILL 30. Indefinitely postponed.
LEGISLATIVE BILL 228. Indefinitely postponed.
LEGISLATIVE BILL 327. Indefinitely postponed.
LEGISLATIVE BILL 663. Indefinitely postponed.
LEGISLATIVE BILL 771. Indefinitely postponed.
LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 822. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Speaker Withem designates LBs 543, 515, 524, 542, 593, LR 33CA, LBs 609, 447, 717, 29, 89, 311, 722, 645, 325, 434, and 874 as priority bills and resolution.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Trustees of the Nebraska State Colleges
  Jeff Renner
  Frances M. Grimes
  Alfred O. Gigstad

Nebraska Educational Telecommunications Commission
Beverly B. Fellman
Jack J. Parks
Herb Schimek
LaRue Wunderlich

VOTE: Aye: Senators Wickersham, Bohlke, Stuhr, Janssen, and McKenzie. Nay: None. Absent: Senators Bernard-Stevens, Warner, and Beutler.

(Signed) Ardyce Bohlke, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 78. Introduced by Matzke, 47.

WHEREAS, the Paxton High School boys' basketball team won the Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Paxton Tigers ended their season with an impressive 26-1 record; and

WHEREAS, their championship marks the first time that Paxton High School has won the state boys' basketball title; and

WHEREAS, the accomplishments, sportsmanship, determination, and dedication of the Paxton Tigers boys' basketball team deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognize and congratulate the Paxton Tigers boys' basketball team and their coach, parents, and supporters.
2. That a copy of this resolution be sent to the Paxton Tigers boys' basketball team and their coach, Jody Rhodes.

Laid over.

LEGISLATIVE RESOLUTION 79. Introduced by Maurstad, 30.

WHEREAS, the Norris Titans boys' basketball team won the 1995 Class B Boys' State Basketball Tournament on March 11, 1995; and

WHEREAS, the Titans' victory over Lexington in the tournament final completed a great season with a 24-1 record; and

WHEREAS, the Titans' only loss came at the hands of a strong Beatrice team which finished 18-3; and

WHEREAS, the Titans avenged their only loss by defeating Beatrice in their district final game; and

WHEREAS, the Titans finished the season ranked first in the Lincoln Journal Star and Omaha World-Herald ratings; and

WHEREAS, the Titans have complemented their talents with the characteristics of sportsmanship, determination, and diligence throughout the year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Norris Titans boys' basketball team, their parents and families, all Norris supporters, and Coach Curt Carlson and his staff for their outstanding efforts.
2. That a copy of this resolution be sent to Norris High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

AM0912

1. Insert the following new sections:

"Section 1. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of molds, dies, and patterns which have been specifically designed and fabricated to the special order of the customer. This exemption shall not include machinery, equipment, or tools to which molds, dies, and patterns have been connected or attached in order to be used for their intended purpose. For purposes of this section, molds, dies, and patterns shall mean tools that are built specifically for manufacturing a single product, which product is either injection molded from plastic or stamped from metals.

Sec. 2. Section 77-2701, Revised Statutes Supplement, 1994, is amended to read:

77-2701. Sections 77-2701 to 77-27,135.01 and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.".

2. On page 6, line 20, strike "section" and insert "sections 77-2701 and"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

AM0997

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 24-301.02, Revised Statutes

Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth ~~district~~ districts there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. Section 43-2,119, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,119. ~~In each county of this state having a population of seventy-five thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate~~

~~juvenile court.~~ (1) The number of judges of the separate juvenile court in counties which have established a separate juvenile court shall be:

(a) Until July 1, 1996, one judge in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants and two judges in counties having two hundred thousand inhabitants or more; and

(b) On and after July 1, 1996, two judges in counties having seventy-five thousand inhabitants or more.

(2) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.

Sec. 3. The State Court Administrator shall compile uniform and accurate statistics which will assist in the evaluation of judicial workloads. The judicial workload statistics shall be based on caseload numbers weighted by category of case. The judicial workload statistics shall be compiled annually for each district court and county court judicial district in the state.

Sec. 4. Original section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-301.02, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, strike beginning with "juvenile" in line 1 through line 5 and insert "courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-301.02, Revised Statutes Supplement, 1994; to change the number of judges in the separate juvenile courts and in the district courts; to provide duties for the State Court Administrator; and to repeal the original sections.".

Mr. Withem asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM0998

1. Insert the following new sections:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth ~~district~~ districts there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. The State Court Administrator shall compile uniform and accurate statistics which will assist in the evaluation of judicial workloads. The judicial workload statistics shall be based on caseload numbers weighted by category of case. The judicial workload statistics shall be compiled annually for each district court and county court judicial district in the state.

Sec. 18. Section 43-2,119, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,119. ~~In each county of this state having a population of seventy-five thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.~~ (1) The number of judges of the separate juvenile court in counties which have established a separate juvenile court shall be:

(a) Until July 1, 1996, one judge in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants and two judges in counties having two hundred thousand inhabitants or more; and

(b) On and after July 1, 1996, two judges in counties having seventy-five thousand inhabitants or more.

(2) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

2. On page 29, line 18, after "43-2,105," insert "43-2,119,"; and in line 20 after "sections" insert "24-301.02,".

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 887. Title read. Considered.

Standing Committee amendment, AM0982, found in the Journal on page 1118, was considered.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 511. Placed on General File.

LEGISLATIVE BILL 609. Placed on General File as amended.
Standing Committee amendment to LB 609:
AM0992

1. Insert the following new section:

"Sec. 3. Section 3-107, Reissue Revised Statutes of Nebraska, is amended to read:

3-107. The department shall have general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and other air navigation facilities. No ~~; PROVIDED, HOWEVER, no~~ state funds herein appropriated or made available for the acquisition, engineering, construction, improvement, or maintenance of airports shall be expended upon any project or for any work upon any such project which is not done under the supervision of the department. When any airport which has received state grant funds pursuant to the provisions of the State Aeronautics Department Act ceases to be an airport or a privately-owned public use airport, the department shall, consistent with all other provisions of state and federal law, seek to recover so much of the state funds provided to the airport as it may and shall deposit any such funds so recovered into the Department of Aeronautics Cash Fund.".

2. On page 6, line 14, strike "Public" and insert "Privately-owned public use".

3. On page 8, lines 15 and 21; page 9, lines 11 and 24; page 10, lines 5, 9, and 14; page 11, lines 8, 15, and 26; and page 12, lines 10 and 19, strike "public" and insert "privately-owned public use".

4. On page 13, line 3, after the first comma insert "3-107,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 36CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 37CA. Indefinitely postponed.

LEGISLATIVE BILL 341. Indefinitely postponed.
LEGISLATIVE BILL 506. Indefinitely postponed.
LEGISLATIVE BILL 644. Indefinitely postponed.
LEGISLATIVE BILL 823. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendment to LB 839:
AM0935

1. Strike original sections 3, 17, and 18.

2. On page 3, line 15, strike "the Comprehensive Health Insurance Pool,".

3. On page 37, line 10, strike "27" and insert "24".

4. On page 50, strike beginning with "All" in line 19 through the matter in line 23.

5. On page 87, line 15, strike "44-4207,"; and in line 16 strike "44-4208,".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 690. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to podiatry; to amend sections 71-174, 71-175, and 71-176, Reissue Revised Statutes of Nebraska; to change provisions relating to qualification for licensure and persons excepted from the practice of podiatry; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Chambers
McKenzie
Schrock

Excused and not voting, 9:

Avery
Bernard-Stevens
Hall
Lindsay
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 173A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 173, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Fisher

Excused and not voting, 9:

Avery
Bernard-Stevens
Hall
Lindsay
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 83.

A BILL FOR AN ACT relating to electrologists; to amend sections 71-340 to 71-343, 71-362, 71-364, 71-368, 71-371, 71-376, 71-377, 71-381, 71-386, 71-387, 71-389, 71-390, 71-392, 71-394, 71-395, 71-396, 71-3,102, 71-3,105 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,137, 71-3,139 to 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,159, 71-3,160, 71-3,162 to 71-3,164, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-374, 71-382, and 71-397, Revised Statutes Supplement, 1994; to provide for regulation of electrology; to require licenses, continuing education, and fees; to change provisions relating to regulation of cosmetology; to change the membership of the Board of Cosmetology Examiners; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Robak

Excused and not voting, 10:

Avery
Bernard-Stevens
Engel
Hall
Lindsay
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 83A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 83, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt

Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 4:

Brown
Chambers
Elmer
Robak

Excused and not voting, 10:

Avery
Bernard-Stevens
Engel
Hall
Lindsay
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to cities of the second class; to amend section 17-105, Reissue Revised Statutes of Nebraska; to change provisions relating to city council meetings and voting; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Elmer
Robak

Excused and not voting, 9:

Avery
Bernard-Stevens
Engel
Hall
Vrtiska
Warner
Wesely
Will

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1101, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 9:

Avery
Bernard-Stevens
Engel
Hall
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of taxes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Fisher
Robak
Wickersham

Excused and not voting, 9:

Avery
Bernard-Stevens
Engel
Hall
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Robinson and Janssen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 501.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 79-1501.01, 81-2014, 81-2016, 81-2033, 84-1307, and 84-1331, Reissue Revised Statutes of Nebraska, and section 23-2331, Revised Statutes Supplement, 1994; to change provisions relating to vesting credit and eligibility; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm

Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Brown
Fisher
Hartnett

Excused and not voting, 11:

Avery
Bernard-Stevens
Engel
Hall
Janssen
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Lynch and Chambers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 502. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1503.01 and 84-1503, Reissue Revised Statutes of Nebraska, and section 24-705, Revised Statutes Supplement, 1994; to require a formal competitive bidding process for actuarial services; to provide duties for the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 13:

Avery
Bernard-Stevens
Chambers
Engel
Hall
Janssen
Lynch
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to employment security; to amend sections 48-602 and 48-628, Revised Statutes Supplement, 1994; to define terms; to change conditions which disqualify temporary help employees from receiving benefits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Coordsen
Crosby

Excused and not voting, 12:

Avery
Bernard-Stevens
Chambers
Hall
Janssen
Lynch
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to irrigation; to amend section 46-261, Reissue Revised Statutes of Nebraska; to change provisions relating to recording gauges; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 2:

Day
Wickersham

Excused and not voting, 12:

Avery
Bernard-Stevens
Chambers
Hall
Janssen
Lynch
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to environmental hazards; to amend section 71-6318, Revised Statutes Supplement, 1994, and Laws 1994, LB 1210, section 190; to change an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Day
Schmitt

Excused and not voting, 12:

Avery
Bernard-Stevens
Chambers
Hall
Janssen
Lynch
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 158. With Emergency.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2818, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on proceedings against trustees; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Day
Engel
Fisher

Excused and not voting, 12:

Avery
Bernard-Stevens
Chambers
Hall
Janssen
Lynch
Robinson
Vrtiska
Warner
Wesely
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 173, 173A, 83, 83A, 93, 119, 412, 501, 502, 77, 94, 147, and 158.

MOTION - Return LB 240 to Select File

Mrs. Hudkins moved to return LB 240 to Select File for the following specific amendment:
AM1006

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 3. Section 48-647, Revised Statutes Supplement, 1994, is amended to read:

48-647. (1) Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under sections 48-623 to 48-626 shall be void except as set forth in this section. Such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt. Benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessaries furnished to such individual or his or her spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void. Any assignment, pledge, or encumbrance of any right or claim to contributions or to any money credited to any employer's reserve account in the Unemployment Compensation Fund shall be void, and the same shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt, and any waiver of any exemption provided for in this section shall be void.

(2)(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not he or she owes child support obligations as defined under subdivision (h) of this subsection. If such individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commissioner shall notify the Director of Social Services that the individual has been determined to be eligible for unemployment compensation.

(b) The commissioner shall deduct and withhold from any unemployment compensation otherwise payable to an individual disclosing child support obligations:

(i) The amount specified by the individual to the commissioner to be deducted under this subsection, if neither subdivision (ii) nor (iii) of this subdivision is applicable;

(ii) The amount, if any, determined pursuant to an agreement between the Director of Social Services and such individual owing the child support obligations to have a specified amount withheld and such agreement being submitted to the commissioner, unless subdivision (iii) of this subdivision is applicable; or

(iii) The amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in subdivision (2)(i) of this section, properly served upon the commissioner.

(c) Any amount deducted and withheld under subdivision (b) of this subsection shall be paid by the commissioner to the Director of Social Services.

(d) Any amount deducted and withheld under subdivision (b) or (g) of this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the Director of Social Services in satisfaction of his or her child support obligations.

(e) For purposes of subdivisions (a) through (d) and (g) of this subsection, the term unemployment compensation shall mean any compensation payable under the Employment Security Law and including amounts payable by the commissioner pursuant to an agreement by any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(f) This subsection shall apply only if appropriate arrangements have been made for reimbursement by the Department of Social Services for the administrative costs incurred by the commissioner under this section which are attributable to child support obligations being enforced by the Department of Social Services.

(g) The Director of Social Services and the commissioner shall develop and implement a collection system to carry out the intent of this subdivision. The system shall, at a minimum, provide that:

(i) The commissioner shall periodically notify the director of the information listed in section 43-1719 with respect to individuals determined to be eligible for unemployment compensation during such period;

(ii) Unless the county attorney or authorized attorney has sent a notice on the same support order under section 43-1720, upon the notification required by subdivision (2)(g)(i) of this section, the director shall send notice to any such individual who owes child support obligations and who is subject to income withholding pursuant to subdivision (2)(a), (2)(b)(ii), or (2)(b)(iii) of section 43-1718.01. The notice shall be sent by certified mail to the last-known address of the individual and shall state the same information as required under section 43-1720;

(iii)(A) If the support obligation is not based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the Department of Social Services shall hold a hearing within fifteen days of the date of receipt of the request. The hearing shall be in accordance with the Administrative Procedure Act. The assignment shall be held in abeyance pending the outcome of the hearing. The department shall notify the individual and the commissioner of its decision within fifteen days of the date the hearing is held; and

(B) If the support obligation is based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the county attorney or authorized attorney shall apply the procedures described in sections 43-1732 to 43-1742;

(iv)(A) If no hearing is requested by the individual under this subsection or pursuant to a notice sent under section 43-1720, (B) if after a hearing under this subsection or section 43-1721 the department determines that the assignment should go into effect, (C) in cases in which the court has ordered income withholding for child support pursuant to subsection (1) of section 43-1718.01, or (D) in cases in which the court has ordered income withholding for child support pursuant to section 43-1718.02 and the case subsequently becomes one in which child support collection services are being provided under Title IV-D of the Social Security Act, as amended, the director shall certify to the commissioner the amount to be withheld for child support obligations from the individual's unemployment compensation. Such amount shall not in any case exceed the maximum amount permitted to be withheld under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an arrearage of child support when added to the amount withheld to pay current support shall not exceed such maximum amount;

(v) The collection system shall comply with the requirements of Title III and Title IV-D of the Social Security Act, as amended;

(vi) The collection system shall be in addition to and not in substitution for or derogation of any other available remedy; and

(vii) The director and the commissioner shall adopt and promulgate rules and regulations to carry out subdivision (2)(g) of this section.

(h) For purposes of this subsection, the term child support obligations shall include only obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(i) For purposes of this subsection, the term legal process shall mean any writ, order, summons, or other similar process in the nature of garnishment, which:

(i) Is issued by a court of competent jurisdiction of any state, territory, or possession of the United States or an authorized official pursuant to order of such a court of competent jurisdiction or pursuant to state law. For purposes of this subdivision, the Director of Social Services shall be deemed an authorized official pursuant to order of a court of competent jurisdiction or pursuant to state law; and

(ii) Is directed to, and the purpose of which is to compel, the commissioner to make a payment for unemployment compensation otherwise payable to an individual in order to satisfy a legal obligation of such individual to provide child support.

(j) Nothing in this subsection shall be construed to authorize withholding from unemployment compensation of any support obligation other than child support obligations.".

2. On page 1, line 3, strike "section 48-652" and insert "sections 48-647 and 48-652"; and in line 4 after the semicolon insert "to clarify authorized withholding from benefits;".

3. On page 10, line 17, strike "section 48-652" and insert "sections 48-647 and 48-652".

4. Renumber the remaining sections accordingly.

The Hudkins motion to return prevailed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. The Hudkins specific amendment, AM1006, found in this day's Journal, was considered.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Bob Lange - Nebraska Department of Insurance

VOTE: Aye: Senators Landis, Fisher, Bromm, Jensen, Robak, and Witek. Nay: None. Absent: Senators Lindsay and Wesely.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Woollam - Research and Development Authority

VOTE: Aye: Senators Landis, Fisher, Jensen, Lindsay, Robak, Wesely, and Witek. Nay: None. Absent: Senator Bromm.

(Signed) David Landis, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

William R. Berryman - Nebraska Game and Parks Commission
Daniel J. Wallen - Nebraska Game and Parks Commission

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Elmer, Jones, McKenzie, and Preister. Absent: Senator Avery.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM1012

1. On page 3, line 7, strike "operate" and insert "transport".

2. On page 4, line 14, strike "highways other than", show as stricken, and insert "all highways, including"; strike beginning with "to" in line 15 through "subject" in line 17, show as stricken, and insert ". The permits are subject"; in line 19 strike ", or to", show as stricken, and insert ". The department or local authority may"; and in line 22 strike ", and the", show as

stricken, and insert ". The".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 461 in the Journal. No objections. So ordered.

AM1008

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 8, after "(a)" insert "(i)"; in line 14 strike "(b) This subsection" show as stricken, and insert "(ii) Subdivisions (a)(i) and (a)(ii) of this section" and strike "April", show as stricken, and insert "October"; and after line 14 insert the following:

"(b)(i) Part 395 -- Hours of Service of Drivers, of the federal Motor Carrier Safety Regulations adopted in subsection (1) of this section, shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-302, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

(A) More than twelve hours following eight consecutive hours off duty; or

(B) For any period after having been on duty sixteen hours following eight consecutive hours off duty.

No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive for any period after:

(A) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or

(B) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(ii) Subdivisions (b)(i) and (b)(ii) of this section become operative on October 1, 1995.".

3. On page 5, strike line 27.

Mr. Preister asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM0908

1. On page 2, line 27, strike "statewide" and insert "some" and strike "scattered"; and in line 28 strike beginning with "diminishes" through "animal".

2. On page 3, line 1, strike beginning with "damage" through "inequitable" and insert "leads to a" and in line 4 after "is" insert "not" and after "shall" insert "not".

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 629. Placed on General File as amended.
Standing Committee amendment to LB 629:
AM0692

1. On page 2, line 1, after village insert "in which the collection of solid waste has been provided by a private entity for a minimum of ninety days before annexation and"; in line 14 strike "two years" and insert "one year"; in line 17 strike "two-year" and insert "one-year" and after "time" insert "or the city or village provides for the service through property taxes or other general funds in whole or in part"; and in line 21 after "village" insert "and shall maintain an acceptable level of quality of service".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 884. Placed on General File as amended.
Standing Committee amendment to LB 884:
AM0940

1. On pages 3 and 4 strike the new matter and insert "However, the county attorney shall have the authority to prosecute and defend in the Court of Appeals or Supreme Court any civil or criminal actions and proceedings in which the county attorney represented the state in the trial court, except those cases involving the constitutionality of a state statute or a rule or regulation issued by an agency or a department of state government or in cases appealed pursuant to section 29-2525. If the county attorney elects to prosecute or defend such action or proceeding on appeal, then the Attorney General shall have no authority to prosecute or defend such action or proceeding on appeal, except that in any case where the Attorney General desires to appear as amicus curiae the Supreme Court or the Court of Appeals shall allow the Attorney General to so appear.".

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendment to LB 485:
AM0933

1. Strike original sections 17 to 23 and 25 and insert the following new section:

"Sec. 17. Section 71-6801, Revised Statutes Supplement, 1994, is amended to read:

71-6801. Sections 71-6801 to 71-6831 shall be known and may be cited as the Clinical Laboratories Certification Act. Sections 71-6802 to 71-6828, 71-6830, and 71-6831 shall become operative October 1, ~~1995~~ 1997.".

2. On page 34, line 27, after the second comma insert "and"; and strike beginning with "60-6,201" in line 27 through the second comma in line 28.

3. On page 35, strike beginning with "71-1,103" in line 1 through "71-1913" in line 2 and insert "and 71-6801".

4. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 44. Placed on General File as amended.
Standing Committee amendment to LB 44:
AM0478

1. On page 5, line 26, strike "Every", show as stricken, and insert "(a) Except as provided in subdivision (3)(b) of this section, every".

2. On page 6, strike the new matter in lines 4 through 6; and after line 24 insert the following new subdivision:

"(b) An executive officer of a Nebraska nonprofit corporation who receives annual compensation of one thousand dollars or less from the nonprofit corporation shall not be construed to be an employee of such nonprofit corporation under the Nebraska Workers' Compensation Act unless such executive officer elects to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act. Such election shall be in writing and filed with the secretary of the nonprofit corporation and shall remain in effect until the election is terminated, in writing, by the officer and the termination is filed with the secretary of the nonprofit corporation.".

(Signed) Chris Abboud, Chairperson

VISITORS

Visitors to the Chamber were 21 fourth grade students and sponsor from Central School, Plattsmouth; fourth grade students and teacher from Byran Elementary, Lexington; 24 seniors and teacher from Bertrand; former Senator Howard Lamb from Anselmo; and ten university students from Tokyo, Japan, and sponsor.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SIXTH DAY - MARCH 16, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Sheryl Tedder, Nazarene Central Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Brashear, Hall, Vrtiska, Warner, Wehrbein, Wesely, and Withem who were excused; and Messrs. Abboud, Bromm, Chambers, Elmer, Lindsay, Will, Mmes. Bohlke, Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 1995, at 12:45 p.m., were the following bills: LBs 173, 173A, 83, 83A, 93, 119, 412, 501, 502, 158, 147, 94, and 77.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

March 15, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 97, 163, 196, 197, 352, 36, 48, and 343 were received in my office on March 10, 1995.

These bills were signed by me on March 15, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 71. Read. Considered.

LEGISLATIVE RESOLUTION 72. Read. Considered.

LEGISLATIVE RESOLUTION 73. Read. Considered.

LEGISLATIVE RESOLUTION 74. Read. Considered.

LEGISLATIVE RESOLUTION 76. Read. Considered.

LEGISLATIVE RESOLUTION 77. Read. Considered.

LEGISLATIVE RESOLUTION 78. Read. Considered.

LEGISLATIVE RESOLUTION 79. Read. Considered.

MR. LANDIS PRESIDING

Pursuant to Rule 4, Section 5, LRs 71, 72, 73, 74, 76, 77, 78, and 79 were adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1146: William R. Berryman and Daniel J. Wallen - Nebraska Game and Parks Commission.

Voting in the affirmative, 25:

Beutler	Bohlke	Bromm	Coordsen	Cudaback

Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Pirsch
Preister
Robinson
Schmitt
Schrock
Stuhr
Wickersham

Voting in the negative, 0.

Present and not voting, 9:

Crosby
Day
Janssen
Maurstad
Pedersen
Robak
Schellpeper
Schimek
Witek

Excused and not voting, 15:

Abboud
Avery
Bernard-Stevens
Brashear
Brown
Chambers
Hall
Lindsay
McKenzie
Vrtiska
Warner
Wehrbein
Wesely
Will
Withem

These appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Matzke's birthday.

GENERAL FILE

LEGISLATIVE BILL 461. Title read. Considered.

Mr. Kristensen withdrew his amendment, AM0770, found in the Journal on page 1063.

Mr. Kristensen renewed his pending amendment, AM1008, found in the Journal on page 1147.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rex Holsapple - Nebraska Investment Council
Marilyn L. Michel - Nebraska Investment Council
Clark G. Nichols - Public Employees Retirement Board
Joseph B. Higgins - Public Employees Retirement Board

VOTE: Aye: Senators Wehrbein, Witek, Crosby, Robak, and Wickersham. Nay: None. Absent: Senator Lynch.

(Signed) William R. Wickersham, Chairperson

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
  Employee Relations Report (Neb. Rev. Stat. 81-1384)

Railway Council, Nebraska
  Annual Report (Neb. Rev. Stat. 74-1415.01)

Revenue, Department of
  Annual Report on the Employment and Investment Growth Act and Employment Expansion and Investment Incentive Act (§§ 77-4110 and 77-27,195 (R.R.S. 1943))

Roads, Department of
  Statement of deposits to the Highway Cash fund and Roads Operation Cash fund for February 1995 (§66-4,144, R.S. Supp. 1994)

University of Nebraska
  Report from the Board of Regents on the status of collective bargaining negotiations (§ 81-1283 R.R.S. Neb. 1943)

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 10CA. Placed on General File.

LEGISLATIVE BILL 180. Placed on General File.
LEGISLATIVE BILL 286. Placed on General File.

LEGISLATIVE RESOLUTION 11CA. Indefinitely postponed.

LEGISLATIVE BILL 416. Indefinitely postponed.
LEGISLATIVE BILL 561. Indefinitely postponed.
LEGISLATIVE BILL 653. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

MR. COORDSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 109. Title read. Considered.

Standing Committee amendment, AM0140, found in the Journal on page 570, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Standing Committee amendment, AM0192, found in the Journal on page 582, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 15, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Belcher, Barbara N.
- Overland Park, KS — Merck & Company, Human Health Division

Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Saint Joseph Center for Mental Health
Thompson, Nancy L. - Walthill	Center for Rural Affairs

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 337. Placed on Select File as amended.
E & R amendment to LB 337:
AM7061

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 32-101, Revised Statutes Supplement, 1994, is amended to read:

32-101. Sections 32-101 to 32-1550 and sections 7 and 8 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-202, Revised Statutes Supplement, 1994, is amended to read:

32-202. In addition to any other duties prescribed by law, the Secretary of State shall:

(1) Supervise the conduct of primary and general elections in this state;

(2) Provide training for election commissioners, county clerks, and other election officials in providing for registration of voters and the conduct of elections;

(3) Enforce the Election Act;

(4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;

(5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections 32-308 to 32-310;

(6) Develop and print forms for use as required by sections 32-308, 32-310, 32-320, and 32-329;

(7) Contract with the Department of Administrative Services for storage and distribution of the forms;

(8) Require reporting to ensure compliance with sections 32-308 to 32-310; ~~and~~

(9) Prepare and transmit reports as required by the National Voting Rights Act of 1993, 42 U.S.C. 1973gg et seq.;

(10) Develop and print a manual describing the requirements of the initiative and referendum process and distribute the manual to election commissioners and county clerks for distribution to the public upon request; and

(11) Develop and print pamphlets described in section 7 of this act.

Sec. 3. Section 32-628, Revised Statutes Supplement, 1994, is amended to read:

32-628. (1) All petitions prepared or filed pursuant to the Election Act or any petition which requires the election commissioner or county clerk to verify signatures by utilizing the permanent registration register shall provide a space at least two and one-half inches long for written signatures, a space at least two inches long for printed names, and sufficient space for street name and number, city or village, and zip code. Lines on each petition shall not be less than one-fourth inch apart. Petitions may be designed in such a manner that lines for signatures and other information run the length of the page rather than the width. Petitions shall provide for no more than twenty signatures per page.

(2) For the purpose of preventing fraud, deception, and misrepresentation, every sheet of every petition containing signatures shall have upon it, above the signatures, statements printed in boldface type in substantially the following form:

WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not, at the time of signing or circulating the petition, a registered voter and qualified to sign or circulate the petition except as provided for initiative and referendum petitions shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

(3) Every sheet of a petition which contains signatures shall have upon it, below the signatures, an affidavit in substantially the following form:

STATE OF NEBRASKA)
) ss.
COUNTY OF ....)

.........................., (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing .... signatures, that he or she is a registered voter of the State of Nebraska, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer before he or she affixed his or her signature the purpose of this petition.

....
Circulator
....

Address

Subscribed and sworn to before me, a notary public, this ...... day of .... 19.... at ...., Nebraska.

....

Notary Public

(4) Each sheet of a petition ~~circulated by a paid circulator~~ shall have upon its face and in plain view of persons who sign the petition a statement ~~the following language~~ in letters not smaller than sixteen-point type in ~~a contrasting color from other~~ red print on the petition. If the petition is circulated by a paid circulator, the statement shall be as follows: This petition is circulated by a paid circulator. If the petition is circulated by a circulator who is not being paid, the statement shall be as follows: This petition is circulated by a volunteer circulator.

Sec. 4. Section 32-1404, Revised Statutes Supplement, 1994, is amended to read:

32-1404. Signers and circulators of initiative and referendum petitions shall meet the requirements of sections 32-629 and 32-630. A circulator shall have been registered to vote in Nebraska for one month prior to circulating an initiative or referendum petition. A registered voter who intends to circulate initiative and referendum petitions outside of his or her county of residence shall register with the Secretary of State on forms provided by the Secretary of State prior to circulating initiative and referendum petitions outside of his or her county of residence. The Secretary of State shall make available to the counties a list of registered circulators for each petition drive.

Sec. 5. Section 32-1405, Revised Statutes Supplement, 1994, is amended to read:

32-1405. (1) Prior to obtaining any signatures on an initiative or referendum petition, a ~~copy of the form to be used~~ statement of the object of the petition and the text of the measure shall be filed with the Secretary of State together with a sworn statement containing the names and street addresses of every person, corporation, or association sponsoring the petition.

(2) Upon receipt of the filing, the Secretary of State shall transmit the text of the proposed measure to the Revisor of Statutes. The Revisor of Statutes shall review the proposed measure and suggest changes as to form and draftmanship. The revisor shall complete the review within ten days after receipt from the Secretary of State. The Secretary of State shall provide the results of the review and suggested changes to the sponsor but shall otherwise keep them confidential for five days after receipt by the sponsor. The Secretary of State shall then maintain the opinion as public information and as a part of the official record of the initiative. The suggested changes may be accepted or rejected by the sponsor.

(3) The Secretary of State shall prepare five camera-ready copies of the petition from the information filed by

the sponsor and any changes accepted by the sponsor and shall provide the copies to the sponsor within five days after receipt of the review required in subsection (2) of this section. The sponsor shall print the petitions to be circulated from the forms provided.

(4) The changes made to this section by this legislative bill shall apply to initiative and referendum petitions filed on or after the effective date of this act.

Sec. 6. Section 32-1409, Revised Statutes Supplement, 1994, is amended to read:

32-1409. (1) Upon the receipt of the petitions, the Secretary of State, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the pages of the filed petition. The Secretary of State shall deliver the various pages of the filed petition to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the pages of the petition, the election commissioner or county clerk shall issue to the Secretary of State a written receipt that the pages of the petition are in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing and the circulator upon each of the pages of the petition with the voter registration records to determine if the circulator was a registered voter one month prior to ~~on~~ the date of circulating and signing the petition and to determine if each signer was a registered voter on or before the date on which the petition was required to be filed with the Secretary of State. The election commissioner or county clerk shall also compare the signer's printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. ~~All signatures and addresses~~ The signature and address shall be presumed to be valid ~~signatures and addresses~~ if the election commissioner or county clerk ~~has found the signers to be registered voters~~ finds the printed name, street and number or voting precinct, and city, village, or post office address to match the registration records and that the registration was received on or before the date on which the petition was required to be filed with the Secretary of State. If they do not match, the signature and address shall be presumed invalid. The presumptions ~~, except that such presumption shall not be conclusive and~~ may be rebutted by any credible evidence which the ~~election commissioner or county clerk~~ Secretary of State finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of such petition, the sufficiency of such petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process.

(2) Upon completion of the comparison of names and

addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer or circulator found not to be a registered voter and the petition page number and line number where the name is found, and if the reason for the ~~challenge~~ invalidity of the signature or address is other than the nonregistration of the signer or circulator, the election commissioner or county clerk shall set forth the reason for the ~~challenge~~ invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to any page or pages of the petition and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall deliver all pages of the petition and the certifications to the Secretary of State within forty days after the receipt of such pages from the Secretary of State. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. The Secretary of State may grant to the election commissioner or county clerk an additional ten days to return all pages of the petition in extraordinary circumstances.

(3) Upon receipt of the pages of the petition, the Secretary of State shall issue a written receipt indicating the number of pages of the petition that are in his or her custody. When all the petitions and certifications have been received by the Secretary of State, he or she shall strike from the pages of the petition all but the earliest dated signature of any duplicate signatures and such stricken signatures shall not be added to the total number of valid signatures. Not more than twenty signatures on one sheet shall be counted. All signatures secured in a manner contrary to sections 32-1401 to 32-1416 shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms prescribed in sections 32-1401 to 32-1403 are substantially followed. The Secretary of State shall total the valid signatures and determine if constitutional and statutory requirements have been met. The Secretary of State shall immediately serve a copy of such determination by certified or registered mail upon the person filing the initiative or referendum petition. If the petition is found to be valid and sufficient, the Secretary of State shall proceed to place the measure on the general election ballot.

(4) The Secretary of State may adopt and promulgate rules and regulations for the issuance of all necessary forms and procedural instructions to carry out this section.

Sec. 7. (1) The Secretary of State shall develop and print one informational pamphlet on all initiative and referendum measures to be placed on the ballot. The pamphlet shall include the measure number, the ballot title and text, and the full text of each initiated or referred measure and arguments both for and against each measure.

(2) The Secretary of State shall write the arguments for and against each measure, and each set of arguments shall consist of no more than two hundred fifty words. Information for the arguments may be provided by the sponsors of the measure, opponents to the measure, and other sources.

(3) The Secretary of State shall distribute the pamphlets to election commissioners and county clerks at least six weeks prior to the election. The election commissioners and county clerks shall immediately make the pamphlets available in their offices and in at least three other public locations that will facilitate distribution to the public.

Sec. 8. After the Secretary of State certifies the initiative and referendum measures for the ballot under subsection (3) of section 32-1411, the Secretary of State shall hold one public hearing in each congressional district for the purpose of allowing public comment on the measures. Notice of each hearing shall be published once in a newspaper of general circulation in the congressional district in which the meeting will be held not less than five days prior to the hearing. The hearings shall be held not more than eight weeks prior to the election.

Sec. 9. Section 32-1413, Revised Statutes Supplement, 1994, is amended to read:

32-1413. Immediately preceding any general election at which any initiative or referendum measure is to be submitted to the registered voters, the Secretary of State shall cause to be published in all legal newspapers in the state once each week for ~~three~~ two consecutive weeks a true copy of the ballot title and text and the number of each measure to be submitted in the form in which the measure will be printed on the official ballot. The publication shall be at a rate charged as provided in section 33-141.

Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 11. Original sections 32-101, 32-202, 32-628, 32-1404, 32-1405, 32-1409, and 32-1413, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, line 6, after the second semicolon insert "to provide severability;".

LEGISLATIVE BILL 658. Placed on Select File as amended.
E & R amendment to LB 658:
AM7063

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-504, Reissue Revised Statutes of Nebraska, is amended to read:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county social services agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified in this subsection at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) In awarding aid to dependent children payments, the term dependent child shall include an unborn child but only during the last three months of pregnancy. ~~children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a~~ A pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children. As soon as it is medically determined that pregnancy

exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

~~(4) Notwithstanding subsection (2) of this section, commencing December 1, 1992, through June 30, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy.~~

Sec. 2. The Legislature finds that it is in the best interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget income poverty guidelines. It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 3. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall ~~provide, through rule and regulation,~~ adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under ~~section 9407, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended; or

(b) Who have income at or below one hundred fifty percent of the Office of Management and Budget ~~Budget's~~ income poverty guidelines, without regard to resources, including children up to such age as allowed under ~~section 9401, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended.

Sec. 4. Original sections 43-504 and 68-1020, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike beginning with "aid" in line 1

through line 4 and insert "public assistance; to amend sections 43-504 and 68-1020, Reissue Revised Statutes of Nebraska; to change eligibility provisions for aid to dependent children and medicaid; to state intent; and to repeal the orignal sections.".

LEGISLATIVE BILL 887. Placed on Select File as amended.
E & R amendment to LB 887:
AM7064

1. On page 2, line 15, strike "Institution" and insert "Department of Public Institutions Institutional".

2. On page 3, line 3, after "Department" insert "of".

3. On page 4, line 26; and page 5, line 16, after "by" insert "the".

4. On page 5, line 2, after "the" insert "Nebraska".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 748. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:
AM0916

1. Strike the original sections and insert the following new sections:

"Section 1. Section 8-179, Reissue Revised Statutes of Nebraska, is amended to read:

8-179. The resulting state bank shall file a statement with the department, under the oath of its president or cashier, showing that the procedure prescribed by the laws of the United States and by this state have been followed, and setting forth in the statement the matter prescribed by sections 8-121 and ~~8-123~~ sections 2 to 4 of this act, and pay the fees prescribed therein, and thereupon the department shall issue to such corporation the certificate provided for in section 8-122 and a charter to transact the business provided for in its articles of incorporation. The department may accept good assets of any such national bank, worth not less than par, in lieu of the payment otherwise provided by law for the stock of such resulting bank. When the parties requesting the conversion, merger, or consolidation are officers or directors of either the national bank or of the state bank they shall be accepted without investigation as parties of integrity and responsibility. Unless the resulting bank is at a different location than the former national or state bank the department shall recognize the public necessity, convenience, and advantage of permitting the resulting bank to engage in business.

Sec. 2. For purposes of sections 2 to 4 of this act, unless the context otherwise requires:

(1) Department means the Department of Banking and Finance; and

(2) Financial institution means:

(a) A state-chartered or federally-chartered bank, savings bank, building and loan association, savings and loan association, industrial loan and investment association, or credit union;

(b) A subsidiary of a bank holding company or out-of-state bank holding company; or

(c) A branch of a financial institution described in subdivision (a) or (b) of this subdivision.

Sec. 3. Section 8-123, Reissue Revised Statutes of Nebraska, is amended to read:

~~8-123.~~ It shall be unlawful for two or more ~~banks~~ financial institutions in the same city, village, or county in this state to have or use the same name or names so nearly alike as to cause confusion in transacting business. In all cases ~~where such~~ in which a similarity of names now exists, or may hereafter exist, a complaint may be made to the department. If ~~, and if~~ in the judgment of the department ~~such~~ a similarity does exist and ~~does create~~ creates confusion in conducting the business of either or both of ~~such banks~~ financial institutions, the department may by order require the ~~junior bank~~ financial institution which is junior in time or organization in such city, village, or county to ~~so~~ change or modify its name ~~as~~ to prevent ~~such~~ confusion. The ~~, and the~~ change of name ~~so made~~ shall be approved by the department.

Sec. 4. The department may adopt and promulgate rules and regulations to carry out the purposes of sections 2 and 3 of this act.

Sec. 5. The Revisor of Statutes shall assign sections 2 to 4 of this act to a new article in Chapter 8.

Sec. 6. Original sections 8-123 and 8-179, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 679. Indefinitely postponed.
LEGISLATIVE BILL 841. Indefinitely postponed.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 847. Placed on General File as amended. (Standing Committee amendment, AM0867, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 709. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Business and Labor

LEGISLATIVE BILL 555. Placed on General File as amended.
Standing Committee amendment to LB 555:
AM0593

1. On page 2, strike beginning with "Such" in line 18 through "time" in line 19 and insert "The duration of such work is not more than eighteen hours in one school week and not more than three hours in one school day".

2. On page 3, line 12, strike beginning with "intermittent" through the second comma and insert "not more than eighteen hours in one school week and not more than three hours in one school day".

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 614. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 339. Title read. Considered.

Standing Committee amendment, AM0184, found in the Journal on page 582, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

MR. LANDIS PRESIDING

LEGISLATIVE BILL 470. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendment, AM0208, found in the Journal on page 590, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Standing Committee amendment, AM0007, found in the Journal on page 592, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

Standing Committee amendment, AM0091, found in the Journal on page 608, was considered.

Mr. Janssen moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 424. Title read. Considered.

Standing Committee amendment, AM0190, found in the Journal on page 616, was considered.

Mr. Kristensen renewed his pending amendment, AM0799, found in the Journal on page 1064, to the Standing Committee amendment.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 448. Title read. Considered.

Standing Committee amendment, AM0251, found in the Journal on page 624, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 448A. Title read. Considered.

Ms. Day moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 759. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 264. Title read. Considered.

Standing Committee amendment, AM0239, found in the Journal on page 630, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 467. Title read. Considered.

Standing Committee amendment, AM0199, found in the Journal on page 634, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 407. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 581. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 579. Placed on General File.

LEGISLATIVE BILL 374. Indefinitely postponed.
LEGISLATIVE BILL 534. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 885. Placed on General File as amended.
Standing Committee amendment to LB 885:
AM0592

1. On page 3, strike lines 8 through 12 and insert "Department of Economic Development which, after designation by the Governor, shall be responsible for administering the Nebraska Employment and Training Act and other programs. Designation by the

Governor shall occur as soon as possible after the effective date of this act only if it can be done without suffering a loss of federal funds and without violating federal rules and regulations"; in line 26 after the second comma insert "the job training programs currently administered by the Department of Social Services,"; and in line 28 after the period insert "After designation by the Governor pursuant to section 48-1606, all job training program funds and full-time equivalent employee positions currently in the Department of Social Services and the Department of Labor shall be transferred to the Department of Economic Development.".

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE RESOLUTION 34CA. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File.
LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 546. Indefinitely postponed.
LEGISLATIVE BILL 779. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Revenue

The Committee on Revenue desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Cliff Welsh - Nebraska Agricultural Land Valuation Advisory Board

VOTE: Aye: Senators Coordsen, Hartnett, Kristensen, Wickersham, and Will. Nay: None. Absent: Senators Landis, Schellpeper, and Warner.

(Signed) George Coordsen, Vice Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 373A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 373, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 438A. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

GENERAL FILE

LEGISLATIVE BILL 862. Title read. Considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 145. Title read. Considered.

Standing Committee amendment, AM0176, found in the Journal on page 665, was considered.

Mrs. McKenzie offered the following amendment to the Standing Committee amendment:

AM1018

(Amendments to Standing Committee amendments, AM0176)

1. On page 2, line 13, strike "and" and show as stricken and after "(r)" insert "when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and (s)".

2. On page 4, after line 16 insert:

"(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced."; and in line 17 strike "(3)" and insert "(4)".

3. On page 5, line 25, strike "and" and show as stricken and after "(h)" insert "the registration number of the water well being replaced if applicable, and (i)".

The McKenzie amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Messrs. Jones and Maurstad asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 350. Title read. Considered.

Standing Committee amendment, AM0057, found in the Journal on page 668, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Standing Committee amendment, AM0216, found in the Journal on page 669, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 349. Placed on General File as amended.
(Standing Committee amendment, AM1024, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendment to LB 543:
AM0527

1. Strike the original sections and insert the following new sections:

"Section 1. Section 79-3805, Reissue Revised Statutes of Nebraska, is amended to read:

79-3805. (1) Using data from the annual financial reports and the annual statistical summary reports for the most recently available complete data year, the department shall calculate the tiered cost per student for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve for each district as described in subsections (2) through (8) of this section.

(2) Each district's general fund operating expenditures for grades kindergarten, one through six, including full-day

kindergarten, seven and eight, and nine through twelve shall be computed as follows: (a) The weighted average daily membership for kindergarten shall equal the average daily membership for kindergarten multiplied by five-tenths; (b) the weighted average daily membership for grades one through six, including full-day kindergarten, shall equal the average daily membership for such grades multiplied by one; (c) the weighted average daily membership for grades seven and eight shall equal the average daily membership for such grades multiplied by one and two-tenths; (d) the weighted average daily membership for grades nine through twelve shall equal the average daily membership for such grades multiplied by one and four-tenths; and (e) the total weighted average daily membership shall equal the sum of grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve weighted average daily membership values. Each district's general fund operating expenditures for each grade group shall be calculated by dividing that grade group's weighted average daily membership by the total weighted average daily membership in the district and multiplying the result by the district's total general fund operating expenditures.

(3) Each district with general fund operating expenditures in grades one through six, including full-day kindergarten, shall be placed into a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	50.50	.01 - 101.00
2	143.00	101.01 - 185.00
3	280.00	185.01 - 375.00
4	687.50	375.01 - 1,000.00
5	1,450.00	1,000.01 - 1,900.00
6	8,450.00	1,900.01 - 15,000.00
7	Median average daily membership of tier	15,000.01 and over

The average general fund operating expenditures per student for grades one through six, including full-day kindergarten, shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing by the total average daily membership for such grades for all districts in the tier.

(4) Each district with general fund operating expenditures in grades nine through twelve shall be placed in a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	25.00	.01 - 50.00
2	62.50	50.01 - 75.00
3	87.50	75.01 - 100.00
4	125.00	100.01 - 150.00

5	200.00	150.01 - 250.00
6	375.00	250.01 - 500.00
7	750.00	500.01 - 1,000.00
8	5,500.00	1,000.01 - 10,000.00
9	Median average daily membership of tier	10,000.01 and over

The average general fund operating expenditures per student for grades nine through twelve shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing such sum by the total average daily membership for such grades for all districts in the tier.

(5) Tiered cost per student values shall be computed for grades one through six, including full-day kindergarten, for each district as follows:

(a) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are greater than the midpoint of tier 7 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 7; and

(c) For districts with average daily memberships for grades one through six, including full-day kindergarten, which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(6) Tiered cost per student values shall be computed for grades nine through twelve for each district as follows:

(a) For districts with average daily memberships for grades nine through twelve which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades nine through twelve which are greater than the midpoint of tier 9 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 9; and

(c) For districts with average daily memberships for grades nine through twelve which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(7) The tiered cost per student for kindergarten shall be calculated by multiplying each district's tiered cost per student for grades one through six, including full-day kindergarten, by five-tenths.

(8) The tiered cost per student for grades seven and eight shall be calculated as follows: For Class II, Class III, Class IV, and Class V districts, the tiered cost per student shall be the calculated mean of the district's tiered cost per student for grades one through six, including full-day kindergarten, and for grades nine through twelve; for Class I districts, the tiered cost per student shall be the district's tiered cost per student for grades one through six, including full-day kindergarten, multiplied by one and two-tenths; and for Class VI districts providing instruction in grades seven and eight as authorized by section 79-1109, the tiered cost per student shall be the district's tiered cost per student for grades nine through twelve multiplied by one and two-tenths and the result divided by one and four-tenths.

(9) The tiered cost per student for nonresident high school tuition funds shall be the average general fund operating expenditures per student for grades nine through twelve for all districts included in subsection (4) of this section.

(10) In districts which receive payments pursuant to Public Law 81-874 and in which there are students enrolled who reside on Indian land, as defined under regulations of the United States Department of Education in effect on July 10, 1990, promulgated pursuant to Public Law 81-874, the tiered cost per student, for each grade level, calculated pursuant to subsections (5) through (8) of this section, shall be increased by a factor equal to the result of multiplying the ratio of average daily attendance of students who reside on Indian land to the total average daily attendance of the district, as reported by the United States Department of Education in calculating the district's payment pursuant to Public Law 81-874, times twenty-five percent.

(11) If there is only one district in tier 7 of subsection (3) of this section and the tiered cost per student in grades one through six, including full-day kindergarten, for the district as computed in subsections (5) through (10) of this section is greater than the average general fund operating expenditures per student for grades one through six, including full-day kindergarten, of tier 6, then the tiered cost per student in grades one through six, including full-day kindergarten, shall be adjusted for the single district in tier 7 and for the district with the highest average daily membership in grades one through six, including full-day kindergarten, in tier 6. The adjustments shall be computed as follows:

(a) For both districts, the average daily membership in grades one through six, including full-day kindergarten, shall be multiplied by each district's tiered cost per student for such grade group as calculated in subsections (5) through (10) of this section;

(b) The products calculated in subdivision (11)(a) of this section shall be summed; and

(c) The sum calculated in subdivision (11)(b) of this section shall be divided by the sum of both districts' average daily membership in grades one through six, including full-day kindergarten, and the result shall be the new tiered cost per student in grades one through six, including full-day kindergarten, for both districts.

(12) If there is only one district in tier 9 of subsection (4) of this section and the tiered cost per student in grades nine through twelve for the district as computed in subsections (5) through (10) of this section is greater than the average general fund operating expenditures per student for grades nine through twelve of tier 8, then the tiered cost per student in grades nine through twelve shall be adjusted for the single district in tier 9 and for the district with the highest average daily membership in grades nine through twelve in tier 8. The adjustments shall be computed as follows:

(a) For both districts, the average daily membership in grades nine through twelve shall be multiplied by each district's tiered cost per student for such grade group as calculated in subsections (5) through (10) of this section;

(b) The products calculated in subdivision (12)(a) of this section shall be summed; and

(c) The sum calculated in subdivision (12)(b) of this section shall be divided by the sum of both districts' average daily membership in grades nine through twelve and the result shall be the new tiered cost per student in grades nine through twelve for both districts.

(13) For any district whose tiered cost per student in grades one through six, including full-day kindergarten, is adjusted pursuant to subsection (11) of this section, the district's tiered cost per student for kindergarten shall be calculated by multiplying the district's tiered cost per student for grades one through six, including full-day kindergarten, determined in subsection (11) of this section by five-tenths.

(14) For any district in which either the tiered cost per student in grades one through six, including full-day kindergarten, or the tiered cost per student in grades nine through twelve, or both, are adjusted pursuant to subsections (11) and (12) of this section, the district's tiered cost per student for grades seven and eight shall be calculated as provided in subsection (8) of this section, but the calculation shall be based on each district's tiered cost values subsequent to the calculations provided in subsections (11) and (12) of this section.

Sec. 2. This act becomes operative on July 1, 1995.

Sec. 3. Original section 79-3805, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 785. Placed on General File as amended.
Standing Committee amendment to LB 785:
AM1025

1. On page 2, strike lines 14 and 15 and insert "in this state for not more than ten working days if he or she begins the application process, on the first employment day, for a".

LEGISLATIVE BILL 547. Indefinitely postponed.
LEGISLATIVE BILL 802. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

AM0981
(Amendments to Standing Committee amendments, AM0283)

1. Strike amendment 1 and insert the following new amendment:

"1. On page 2, line 25, strike 'privileged' and insert 'treated as privileged the same'.".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM1019
(Amendments to Standing Committee amendments, AM0869)

1. Strike the original amendments and insert the following new amendments:

"Section 1. Section 79-3325, Reissue Revised Statutes of Nebraska, is amended to read:

79-3325. The State Department of Education shall provide grants for the costs of the special education programs approved by the State Department of Education to the school district of residence for handicapped children of less than five years of age. Educational service units or cooperatives of school districts recognized as regional planning entities by the State Board of Education pursuant to section 79-3328 shall be eligible to receive grants for cooperative programs for such handicapped children of less than five years of age if such educational service units or cooperatives have complied with the reporting and approval requirements of section 79-3328. The grants shall be one hundred percent of the costs of such programs and shall continue to be one hundred percent as long as the funding for such grants comes from federal funds. ~~If~~ For special education programs provided in fiscal years 1994-95 and 1995-96, if the federal funding is inadequate at any time to pay one hundred percent of the costs of such programs, the amount of the grant provided by the department shall be ninety percent of such costs. For special education programs, including transportation required pursuant to section 79-3322, provided in fiscal year 1996-97 and each fiscal year thereafter, if the federal funding is inadequate at any time to pay one hundred percent of the costs of such programs, the amount of the grant provided by the department shall be a percentage of such costs as determined by the State Board of Education from appropriations approved by the Legislature. For special education programs, including transportation required pursuant to section 79-3322, provided in fiscal year 1997-98 and each fiscal year thereafter, if the federal funding is inadequate at any time to pay one hundred percent of the costs of such programs, the aggregate grant amount for all recipients shall not exceed an amount equaling the aggregate grant amount for all recipients for the previous fiscal year plus an amount equaling the aggregate grant amount for all recipients for the previous fiscal year multiplied by a rate not to exceed the allowable growth range pursuant to section 79-3816. The grant payments shall be made by the State Department of Education to the resident school district, educational service unit, or regional planning entity recognized by the State Board of Education pursuant to section 79-3328 each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December.

Sec. 2. Section 79-3332, Reissue Revised Statutes of Nebraska, is amended to read:

79-3332. (1) ~~The State Department of Education shall reimburse each school district for ninety percent of the allowable excess cost of the preceding year's special education programs terminating in fiscal year 1987-88. In each fiscal year subsequent to~~ For special education services and programs provided in fiscal year ~~1987-88~~ 1994-95, the State Department of Education shall reimburse each school district an amount equal to ninety percent of allowable excess cost for all services and programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist of the amount of the preceding year's Level I services appropriation plus fifty percent of the increase in the ninety percent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty percent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety percent of the allowable excess cost for Level I services for the immediately preceding year's special education program. Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-3343 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the resident school district, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receiving such certification, draw warrants against funds appropriated.

~~(2)~~ Level I services shall refer to services provided to students who require an aggregate of not more than three hours per week of special education services and shall include all administrative, diagnostic, consultative, and vocational-adjustment counselor services.

(2) For special education services and programs, including transportation required pursuant to section 79-3322, provided in fiscal year 1995-96 and each fiscal year thereafter, the State Department of Education shall reimburse each school district a pro rata amount equal to a percentage of the allowable excess cost for all services and programs as determined by the State Board of Education from appropriations approved by the Legislature and, commencing with services and programs provided in fiscal year 1996-97 and each fiscal year thereafter, the aggregate reimbursement amount for all recipients shall not exceed an amount equaling the aggregate reimbursement amount for all recipients for the previous fiscal year plus an amount equaling the aggregate reimbursement amount for all recipients for the previous fiscal year multiplied by a rate not to exceed the allowable growth range pursuant to section 79-3816. Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-3343 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the resident school district, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the

General Fund for payment purposes. The director shall, upon receiving such certification, draw warrants against funds appropriated.

Sec. 3. Section 79-3333, Reissue Revised Statutes of Nebraska, is amended to read:

79-3333. ~~Sufficient funds~~ Funds shall be appropriated by the Legislature to carry out sections 79-3331 to 79-3333 and 79-3335. Such funds shall be channeled through the office of the State Department of Education. The department shall be authorized to expend such funds upon proper vouchers approved by the department and warrants issued by the Director of Administrative Services for financial reimbursement to local school districts, educational service units, special education cooperatives created by school districts, agencies, and parents or guardians, including (1) reimbursement for ninety percent of the amount expended prior to the 1995-96 fiscal year pursuant to section 79-3322 for actual transportation expenses per year for handicapped children and children with mental retardation, (2) reimbursement for instructional aids and consultative, supervisory, research, and testing services to local school districts, and (3) reimbursement for salaries, wages, maintenance, supplies, travel, and other expenses essential to carrying out the provisions for special education. Minor building modifications shall not be eligible for state reimbursement as an allowable expense beginning with the reimbursement provided in fiscal year 1993-94 except for those projects or portions thereof completed prior to August 31, 1992, and paid for by the school district on or before December 31, 1992. Documentation of projects or portions thereof completed during the 1991-92 school year shall be provided to the State Department of Education. Applications for state reimbursement for actual transportation expenses shall be submitted to the department annually on a date and on forms prescribed by the department. Amendments to applications for actual transportation expenses shall be submitted on dates prescribed by the department during the school year in which the original application was made.

Sec. 4. Original sections 79-3325, 79-3332, and 79-3333, Reissue Revised Statutes of Nebraska, are repealed.".

Mrs. Crosby asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM1013

1. Insert the following new sections:

"Sec. 2. Section 37-1254.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-1254.01. (1) No person shall be in the actual physical control of any motorboat under propulsion upon the waters of this state:

(a) While under the influence of alcohol or of any controlled substance as defined in section 28-401;

(b) When such person has a concentration of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood;

(c) When such person has a concentration of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath; or

(d) When such person has a concentration of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her urine.

(2) Any person who is in the actual physical control of any motorboat under propulsion upon the waters of this state while in a condition described in subsection (1) of this section shall be guilty of a Class II misdemeanor. Upon conviction the court shall, as part of the judgment of conviction, order such person not to be in the physical control of a motorboat under propulsion upon the waters of this state for any purpose for a period of six months from the date of such conviction, except that if the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to be in the physical control of any motorboat under propulsion upon the waters of this state for any purpose for a period of sixty days from the date of the order.

(3) Any city or village may enact ordinances in conformance with this section and section 37-1254.02.

(4) At the discretion of the court, any person convicted of violating this section or violating any city or village ordinance adopted in conformance with this section may be required to attend, at the convicted person's expense, an alcoholism treatment program as a term of probation.

Sec. 3. Section 37-1254.02, Reissue Revised Statutes of Nebraska, is amended to read:

37-1254.02. (1) Any person who has in his or her actual physical control a motorboat under propulsion upon the waters of this state shall be deemed to have given his or her consent to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol content in such blood, breath, or urine.

(2) Any law enforcement officer who has been duly authorized to make arrests for violations of laws of this state or ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was in the actual physical control of a motorboat under propulsion upon the waters of this state under the influence of alcohol to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcohol content of such blood, breath, or urine when the officer has reasonable grounds to believe that the person was in the actual physical control of a motorboat under propulsion upon the waters of this

state while under the influence of alcohol.

(3) Any law enforcement officer who has been duly authorized to make arrests for violations of laws of this state or ordinances of any city or village may require any person who has in his or her actual physical control a motorboat under propulsion upon the waters of this state to submit to a preliminary test of his or her breath for alcohol content if the officer has reasonable grounds to believe that such person has alcohol in his or her body or has committed any violation of this section and section 37-1254.01. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol content of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

(4) Any person arrested pursuant to this section may, upon the direction of a law enforcement officer, be required to submit to a chemical test of his or her blood, breath, or urine for a determination of the alcohol content. Any person who refuses to submit to a chemical blood, breath, or urine test required pursuant to this section shall be guilty of a Class II misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to be in the actual physical control of any motorboat under propulsion upon the waters of this state for any purpose for a period of six months from the date of such conviction. If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to be in the actual physical control of any motorboat under propulsion upon the waters of this state for any purpose for a period of sixty days from the date of the order.

(5) Any person who is required to submit to a preliminary breath test or to a chemical blood, breath, or urine test pursuant to this section shall be advised of the consequences of refusing to submit to such test.

Sec. 5. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,182. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle

accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 -- 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

(a) Not more than five miles per hour over the speed limit -- 1 point;

(b) More than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and

(c) More than ten miles per hour over the speed limit -- 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (1)(c) or (e) of section 60-6,186;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's

license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle.".

2. On page 8, lines 14 and 17, strike "ten-hundredths", show as stricken, and insert "eight-hundredths".

3. On page 23, line 5, strike "60-4,110" and insert "37-1254.01, 37-1254.02, 60-4,110, 60-4,182".

4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 109A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 109, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Ms. Day asked unanimous consent to have her name added as cointroducer to LB 645. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 seniors and teacher from Wisner-Pilger High School; 40 seventh grade students and sponsor from Sandy Creek Public Schools, Fairfield; Fred Teller and Bob Booe from Hastings; Ric Richardson from New Mexico; 23 students and sponsor from Lexington Middle School; seniors and teacher from Shelton; Robert and Kim Franco from Scottsbluff; Senator Engel's daughter, Kim McLaughlin, R.N., from Lincoln; 31 fifth and sixth grade students and sponsor from Silver Lake Elementary, Bladen; Stan Haas from Scottsbluff; 19 fourth grade students and teacher from Deshler; and a group of nurses from across the state.

The Doctor of the Day was Bradley Hupp from Lincoln.

MOTION - Adjournment

Mr. Will moved to adjourn. The motion prevailed with 13 ayes, 11 nays, 11 present and not voting, and 14 excused and not voting, and at 12:05 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SEVENTH DAY - MARCH 21, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Michael Davis, Methodist Church, Douglas and Burr, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Avery, Coordsen, Dierks, Fisher, Hall, Kristensen, Landis, Lindsay, Schrock, Warner, Wickersham, Will, Mses. Day, Schimek, Mmes. Hudkins, and Pirsch who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 417. Indefinitely postponed.
LEGISLATIVE BILL 427. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 735. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95013

DATE: February 22, 1995

SUBJECT: LB 753 (1995)

REQUESTED BY: Senator Paul D. Hartnett

WRITTEN BY: Don Stenberg, Attorney General
J. Kirk Brown, Assistant Attorney General

This is in response to your opinion request of January 27, 1995 concerning LB 753 (1995).

I.

You first inquire whether the repeal of language from Neb. Rev. Stat. § 29-2523(1)(d) (1989) which has come to be identified as the second or "exceptional depravity" element of statutory aggravating circumstance (d) would provide Nebraska with a constitutional death penalty statute.

Before addressing that specific concern one needs to understand the context within which this statutory language exists and is interpreted. The current statutory language upon which you focus has routinely been found to be too vague to meet the objective sentencing requirements of the Cruel and Unusual Punishment Clause of the federal constitution. However, that does not end our inquiry.

The federal courts have long recognized that state statutory language which is unconstitutionally vague on its face may be saved from invalidation by a sufficiently objective state judicial interpretation of that statutory language, and it is in the context of the interpretation of the current statutory language by the Nebraska Supreme Court that your inquiry must be addressed.

As you note, the Nebraska Supreme Court last comprehensively addressed an appropriate judicial interpretation of the "exceptional depravity" element of aggravator (d) in State v. Palmer, 224 Neb. 282, 399 N.W.2d 706 (1986), cert. denied, 484 U.S. 872 (1987). It was the Palmer definitions of that aggravating circumstance which the Nebraska Supreme Court employed in its review and affirmance of John Joubert's sentences of death in State v. Joubert, 224 Neb. 411, 399 N.W.2d 237 (1986), cert. denied, 484 U.S. 905, reh'g denied, 484 U.S. 971 (1987).

The Palmer definitions of exceptional depravity have not been found to be in violation of the federal constitution. The United States Court of Appeals for the Eighth Circuit issued two opinions on this question in the course of deciding Moore v. Clarke, 904 F.2d 1226 (8th Cir. 1990), reh'g denied, 951 F.2d 895 (8th Cir. 1991), cert. denied, ___ U.S. ___, 112 S.Ct. 1995, 118 L.Ed.2d 591 (1992).

In its 1990 opinion the panel found the Palmer definitions to be unconstitutional. However, upon a motion for rehearing filed by this office, that court reconsidered its 1990 opinion in light of recent decisions of the United States Supreme Court, and did not rely upon its

1990 analysis of the Palmer definitions in finally resolving Moore's case. The ultimate result of Moore was invalidation of pre-Palmer attempts by the Nebraska Supreme Court to satisfactorily define "exceptional depravity", nothing more.

Therefore, the Palmer definitions of the "exceptional depravity" element of statutory aggravator (d) are presently viable and capture significant concepts of aggravating behavior which are not described by the first or "especially heinous" element of aggravator (d) or by any other statutory aggravating circumstances. Thus, the repeal of the current statutory language of the "exceptional depravity" element of aggravator (d) would deprive the state of currently viable and unique aggravating factors to be weighed in the determination of whether a sentence of death or life imprisonment is appropriate under the facts of a particular case.

We can assure you that no matter what language is adopted or repealed by the Nebraska Legislature with respect to statutory aggravating circumstances, prisoners will continue to challenge such language on the grounds that it is unconstitutionally vague. Due to the vagaries of the state and federal litigation process we cannot offer any firm assurance that any language might not ultimately be struck down, but our present evaluation of the law is that most, if not all, of the Palmer definitions of "exceptional depravity" will survive federal constitutional challenge.

II.

You next inquire whether the language proposed by LB 753 is adequately "directed and limited" so as to withstand federal constitutional challenge on vagueness grounds.

The answer to that question is complicated by the fact that the concept of physical or psychological torture which is proposed as a replacement for the second or "exceptional depravity" element of statutory aggravating circumstance (d) has historically been considered by the Nebraska Supreme Court as an element of the first or "especially heinous" element of aggravator (d). See State v. Rust, 197 Neb. 528, 250 N.W.2d 867 (1977). We hasten to add that as a definition of the "especially heinous" element of aggravator (d) the concept of "torture" of the victim has repeatedly been upheld against federal constitutional challenges based upon a claim of vagueness.

Therefore, we are as confident as one can be that the proposed language would pass federal constitutional muster. However, we feel obliged to note that by adopting this language no new element of aggravation will be added to our sentencing process, some currently viable elements of aggravation will be lost if the present statutory language regarding "exceptional depravity" is repealed, and confusion may be injected into the definitions of the "especially heinous" element of aggravator (d) by the proposed amendment.

Yours truly,
DON STENBERG
Attorney General

(Signed) J. Kirk Brown
Assistant Attorney General
Chief, Criminal Appellate Section

45-581-9

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 71, 72, 73, 74, 76, 77, 78, and 79.

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

GENERAL FILE

LEGISLATIVE BILL 752. Title read. Considered.

Standing Committee amendment, AM0369, found in the Journal on page 731, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak offered the following amendment:
AM1031

1. Strike original section 9 and insert the following new section:

"Sec. 9. The Department of Social Services shall contract with the Department of Public Institutions to implement a case management system for persons disabled by severe and persistent mental illness using federal medicaid and other relevant federal financing.".

2. On page 5, line 5, strike "may be used" and insert "will be used to fund a contract between the Department of Social Services and the Department of Public Institutions"; and in line 24 after the period insert "The Department of Social Services shall contract with the Department of Public Institutions for provision of services under the Rehabilitation and Support Mental Health Services Incentive Act.".

3. On page 6, line 10, strike "and promulgate rules and regulations" and insert "policies"; and in lines 11 and 12, strike "or through".

The Robak amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 761. Indefinitely postponed.
LEGISLATIVE BILL 786. Indefinitely postponed.
LEGISLATIVE BILL 861. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1073

1. On page 5, line 21, after the period insert "The Department of Social Services shall not make application under this section unless the Governor, in a written opinion submitted to the chairperson of the Appropriations Committee of the Legislature prior to application by the Department of Social Services, finds that such application will not require, with respect to total entitlements created, any state General Fund expenditures greater than one million nine hundred twenty thousand dollars annually for the first two fiscal years.".

GENERAL FILE

LEGISLATIVE BILL 168. Title read. Considered.

Standing Committee amendment, AM0283, found in the Journal on page 997, was considered.

Mr. Bromm renewed his pending amendment, AM0981, found in the Journal on page 1177, to the Standing Committee amendment.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 593A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 593, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

LEGISLATIVE BILL 624A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 624, Ninety-fourth Legislature, First Session, 1995.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 308. Placed on General File.
LEGISLATIVE BILL 649. Placed on General File.
LEGISLATIVE BILL 789. Placed on General File.

(Signed) C. N. "Bud" Robinson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LR 27CA in the Journal. No objections. So ordered.

AM0938

1. On page 2, line 12, after "expenses" insert an underscored period, strike "except that members", and insert "Members"; in line 13 strike "may" and insert "shall not" and after "plans" insert "other than those"; and strike beginning with "authorize" in line 20 through "plans" in line 22 and insert "prohibit members of the Legislature from participating in employee benefit programs or plans other than those".

Mrs. Witek asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1070

1. On page 5, line 20, strike "may" and insert "shall".

Mrs. Witek asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1071

1. On page 4, line 26, after the period insert "The department shall reduce the costs of regional centers in direct

proportion to any reduction in the number of patients residing in the regional centers as a result of the act.".

Mrs. Witek asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1072

1. On page 5, line 21, after the period insert "No application for a federal medicaid rehabilitation option will be a part of any contingent fee contract between a state agency and another party without legislative review and public scrutiny.".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1015

(Amendments to E & R amendments, AM7063)

1. Insert the following new sections:

"Sec. 4. This act becomes operative on July 1, 1995.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 168. Mr. Bernard-Stevens offered the following amendment to the pending Standing Committee amendment:
FA80

Amend the Committee Amendment

On line 25 (page 2) strike the word "not", place a "period" after the word information and strike on page 25 after the word information thru line 27 (page 2).

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. HALL PRESIDING

Messrs. Maurstad and Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Bernard-Stevens
Bohlke
Chambers
Hall
Hartnett
Kristensen
McKenzie
Preister
Robak
Schimek
Wehrbein
Will

Voting in the negative, 25:

Abboud
Beutler
Bromm
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wesely
Wickersham
Witek

Present and not voting, 6:

Brashear
Brown
Engel
Hillman
Vrtiska
Withem

Absent and not voting, 1:

Avery

Excused and not voting, 5:

Day
Lynch
Matzke
Maurstad
Warner

The Bernard-Stevens amendment lost with 12 ayes, 25 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 461. Placed on Select File as amended.
E & R amendment to LB 461:
AM7065

1. In the Kristensen amendment, AM1008:

a. On page 1, line 24, strike "(A)" and insert "(I)"; and

b. On page 2, line 3, strike "(B)" and insert "(II)".

2. On page 1, line 6, strike "and" and insert "to change provisions relating to hours of service of drivers;"; and in line 7 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 109. Placed on Select File as amended.
E & R amendment to LB 109:
AM7067

1. Strike original section 227 and insert the following new section:

"Sec. 227. Section 67-248.02, Revised Statutes Supplement, 1994, is amended to read:

67-248.02. (a) Pursuant to an agreement, one or more domestic or foreign limited partnerships, limited liability companies, or corporations may merge into or consolidate with one or more domestic or foreign limited partnerships, limited liability companies, or corporations. If the resulting entity is a domestic corporation, the ~~Nebraska Business Corporation Act~~ Business Corporation Act shall govern the merger or consolidation. If the surviving or resulting entity is a corporation, the merger or consolidation shall be subject to ~~section 21-2070 or 21-2071~~ sections 128 to 134 of this act. If the surviving or resulting entity is not a domestic corporation or a limited liability company, the board of directors of each domestic corporation party to such merger or consolidation shall, by resolution adopted by each such board, approve a plan of merger or plan of consolidation setting forth information substantially similar to that required by ~~section 21-2070 or 21-2071~~ sections 128 to 134 of this act. If the surviving or resulting entity is a limited liability company, the Limited Liability Company Act shall govern the merger or consolidation. Unless otherwise provided in the partnership agreement, a plan of merger or plan of consolidation shall be approved by each domestic limited partnership which is to merge or consolidate (1) by all general partners and (2) by limited partners or, if there is more than one class or group of limited partners, then by limited partners of each class or group of limited partners, in either case, who own more than fifty percent of the then current percentage or other interest in the profits of the domestic limited partnership owned by all of the limited partners or by the limited partners in each class or group, as appropriate. Notwithstanding prior approval, an agreement or plan of merger or agreement or plan of consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement or plan of merger or agreement or plan of consolidation.

(b) If the surviving or resulting entity is not a domestic limited partnership, limited liability company, or corporation following a merger or consolidation of one or more domestic limited partnerships, limited liability companies, or corporations and one or more foreign limited partnerships, limited liability companies, or corporations, the surviving or resulting entity shall comply with ~~section 21-2076~~ sections 128 to 134 of this act and, for each such domestic limited partnership, a certificate shall be executed and filed in the office of the Secretary of State by the surviving or resulting limited partnership, limited liability company, or corporation stating that the surviving or resulting limited partnership, limited liability company, or corporation agrees that it may be served with process within or outside this state in any proceeding in the courts of this state for the enforcement of any obligation of such former domestic limited partnership.

(c) A merger or consolidation to which a domestic corporation is a party shall become effective as provided in ~~section 21-2075~~ sections 128 to 134 of this act. A merger or consolidation to which a domestic limited liability company is a party shall become effective as provided in sections 21-2647 to 21-2653. Any other merger or consolidation provided for in the Nebraska Uniform Limited Partnership Act shall become effective as provided in the agreement or plan of merger or consolidation. When such merger or consolidation has become effective, the terms of ~~section 21-2075~~ sections 128 to 134 of this act shall apply if the surviving or resulting entity is a corporation, the terms of section 21-2651 shall apply if the surviving or resulting entity is a limited liability company, and the following provisions shall apply if the surviving or resulting entity is a limited partnership:

(1) The several limited partnerships, limited liability companies, or corporations which are parties to the merger or consolidation agreement shall be a single limited partnership which, in the case of a merger, shall be that limited partnership designated in the merger agreement as the surviving limited partnership and, in the case of a consolidation, shall be the new limited partnership provided for in the consolidation agreement;

(2) The separate existence of all limited partnerships, limited liability companies, and corporations which are parties to the merger or consolidation agreement, except the surviving or new limited partnership, shall cease;

(3) If the surviving or new limited partnership is a domestic limited partnership, it shall have all the rights, privileges, immunities, and powers and shall be subject to all the duties and liabilities of a limited partnership organized under the Nebraska Uniform Limited Partnership Act;

(4) The surviving or new limited partnership shall possess all the rights, privileges, immunities, and powers, of a public as well as of a private nature, of each of the merging or consolidating limited partnerships and, subject to the Nebraska Uniform Limited Partnership Act, each of the merging or consolidating corporations. All property, real, personal, and mixed, all debts due on whatever account, all other things and causes of actions, and all and every other interest belonging to or due to any of the limited partnerships, limited liability companies, and corporations as merged or consolidated shall be taken and deemed to be transferred to and vested in the surviving or new limited partnership without further act and deed and shall thereafter be the property of the surviving or new limited partnership as they were of any of such merging or consolidating

entities. The title to any real property or any interest in such property vested in any of such merging or consolidating entities shall not revert or be in any way impaired by reason of such merger or consolidation;

(5) Such surviving or new limited partnership shall be responsible and liable for all the liabilities and obligations of each of the limited partnerships, limited liability companies, or corporations so merged or consolidated. Any claim existing or action or proceeding pending by or against any of such limited partnerships, limited liability companies, or corporations may be prosecuted as if such merger or consolidation had not taken place or such surviving or new limited partnership may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such limited partnerships, limited liability companies, or corporations shall be impaired by such merger or consolidation; and

(6) The equity securities of the corporation or corporations, limited liability company or companies, and limited partnership or limited partnerships party to the merger or consolidation that are, under the terms of the merger or consolidation, to be converted or exchanged shall cease to exist, and the holders of such equity securities shall thereafter be entitled only to the cash, property, or securities into which they shall have been converted in accordance with the terms of the merger or consolidation, subject to any rights under ~~section 21-2079~~ sections 137 to 150 of this act or the Limited Liability Company Act.".

2. On page 1, line 6, strike "44-3812, and 67-248.02" and insert "and 44-3812"; in line 7 strike the last "and"; in line 8 after the first comma insert "and 67-248.02,"; and in line 10 after the last semicolon insert "to provide duties for the Revisor of Statutes;".

3. On page 8, lines 4 and 8, after "articles" insert "of correction".

4. On page 16, line 13; page 44, line 9; and page 66, lines 19 and 20 and 28, strike ", 15 U.S.C. 80a-1".

5. On page 20, line 22, after "state" insert an underscored comma.

6. On page 27, line 5, strike the comma.

7. On page 29, line 6, after "discontinued" insert an underscored comma and after "provided" insert an underscored comma.

8. On page 34, line 17, strike "That" and insert "Such".

9. On page 62, line 1, before "No" insert "(1)"; in line 3 strike "(1)" and insert "(a)"; in line 5 strike "(2)" and insert "(b)"; and in line 10 strike "(3)" and insert "(2)".

10. On page 84, line 25, after "directors" insert an underscored comma.

11. On page 85, line 13, strike the underscored period and insert an underscored colon.

12. On page 93, line 8, strike the comma.

13. On page 96, line 4, after the second "of" insert "the".

14. On page 122, line 13, strike the comma.

15. On page 131, line 20, strike the comma.

16. On page 137, line 11, after "of" insert "the".

17. On page 139, line 2, after "Upon" insert "the".

18. On page 144, line 18, strike "87-207" and insert "87-208"; and in line 26 after "in" insert "a".

19. On page 149, line 28, after "of" insert "the".

20. On page 150, line 2, after "or" insert "has"; and in line 28 strike the comma.

21. On page 154, line 7, after "by" insert "a".

22. On page 157, line 27, strike "title" and insert "titles".

23. On page 161, line 8, strike "Such an", show the old matter as stricken, and insert "An"; in line 17 strike "such".

24. On page 162, line 8, strike "Such" and show as stricken and strike "an" and insert "An"; in line 14 after "treasurer" insert an underscored comma; and in line 20 strike "such".

25. On page 169, line 7, strike the comma.

26. On page 174, line 7, strike "167 to 180" and insert "168 to 181".

27. On page 194, line 19, strike "shall become" and insert "becomes".

28. On page 195, line 1, strike "44-3812, and 67-248.02" and insert "and 44-3812"; in line 2 strike the last "and"; and in line 3 after the first comma insert "and 67-248.02,".

LEGISLATIVE BILL 123. Placed on Select File.

LEGISLATIVE BILL 384. Placed on Select File as amended.
E & R amendment to LB 384:
AM7066

1. Strike original section 11 and insert the following new section:

"Sec. 11. The Revisor of Statutes shall assign sections 2 to 4 and 10 of this act to Chapter 8, article 1.".

2. On page 2, line 23, after "8-1,129" insert "and sections 2 to 4 and 10 of this act".

3. On page 11, line 4, strike "shall mean", show as stricken, and insert "means".

LEGISLATIVE BILL 614. Placed on Select File.
LEGISLATIVE BILL 339. Placed on Select File.
LEGISLATIVE BILL 470. Placed on Select File.

LEGISLATIVE BILL 42. Placed on Select File as amended.

E & R amendment to LB 42:
AM7068

1. In the Standing Committee amendment, AM0208, on page 1, line 10, before "(b)" insert "or".

2. On page 2, lines 18 and 21; page 3, line 6; page 4, lines 15 and 18; and page 5, line 4, strike the new matter and reinstate the stricken matter.

3. On page 3, line 3, strike the comma.

LEGISLATIVE BILL 112. Placed on Select File.
LEGISLATIVE BILL 154. Placed on Select File.

LEGISLATIVE BILL 424. Placed on Select File as amended.
E & R amendment to LB 424:
AM7071

1. In the Kristensen amendment, AM0799, on page 1, line 20, after "week" insert a period.

2. On page 17, line 6, strike the last comma.

3. On page 29, line 26, strike "such", show as stricken, and after "sections" insert "75-301 to 75-322.04".

4. On page 33, lines 15 and 16, strike the comma and show as stricken.

5. On page 49, line 9, after "regulations" insert an underscored comma.

6. On page 53, line 23, strike "and" and insert "or".

LEGISLATIVE BILL 87. Placed on Select File.
LEGISLATIVE BILL 448. Placed on Select File.
LEGISLATIVE BILL 448A. Placed on Select File.
LEGISLATIVE BILL 759. Placed on Select File.

LEGISLATIVE BILL 264. Placed on Select File as amended.
E & R amendment to LB 264:
AM7069

1. On page 1, line 9, after the first semicolon insert "to provide for designation of scenic byways;".

2. On page 31, line 16, after "county" insert an underscored comma.

LEGISLATIVE BILL 467. Placed on Select File as amended.
E & R amendment to LB 467:
AM7072

1. On page 1, line 5, strike "and" and after "60-4,181," insert "and 60-1513,".

2. On page 6, lines 3 and 4, 10 and 11, and 15 to 18, strike the new matter and reinstate the stricken matter.

3. On page 10, line 11, strike "department", show as stricken, and insert "Department of Motor Vehicles".

4. On page 24, strike beginning with "shall" in line 24

through line 26 and insert "takes effect when passed and approved according to law.".

5. Renumber sections 15 to 20 as 16 to 21, respectively.

LEGISLATIVE BILL 407. Placed on Select File as amended.
E & R amendment to LB 407:
AM7073

1. On page 1, line 3; and page 7, line 12, after "Supplement" insert ", 1994".

LEGISLATIVE BILL 581. Placed on Select File.
LEGISLATIVE BILL 862. Placed on Select File.

LEGISLATIVE BILL 145. Placed on Select File as amended.
E & R amendment to LB 145:
AM7070

1. On page 1, strike beginning with "section" in line 1 through "section" in line 3 and insert "sections 46-602 and 46-659, Revised Statutes Supplement, 1994; to change provisions relating to the registration of water wells; to change provisions relating to replacement water wells; to redefine a term; to change provisions relating to permits for certain water wells; and to repeal the original sections".

LEGISLATIVE BILL 350. Placed on Select File.

LEGISLATIVE BILL 303. Placed on Select File as amended.
E & R amendment to LB 303:
AM7074

1. On page 1, line 1, strike "24-803" and insert "24-808, Reissue Revised Statutes of Nebraska, and sections 24-802, 24-803, 24-806, 24-807, and 24-809"; and in line 4 strike "section" and insert "sections".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 447. Placed on General File.

LEGISLATIVE BILL 564. Placed on General File as amended.
Standing Committee amendment to LB 564:
AM1062

1. Insert the following new section:

"Sec. 10. This act becomes operative on January 1, 1996.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 713. Placed on General File as amended.
Standing Committee amendment to LB 713:
AM1002

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Director of Motor Vehicles shall prescribe a form for agencies to apply for undercover license plates. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover license plates are to be used only for legitimate purposes pursuant to subsection (3) of this section, and a statement that undercover license plates are not to be used on personal vehicles or for personal use of government vehicles.

(2) Upon receipt of a completed form, the director shall determine whether the undercover license plates will be used by an approved agency for a legitimate purpose pursuant to subsection (3) of this section. If the director determines that the undercover license plates will be used for such a purpose, he or she may issue the undercover license plates in the form and under the conditions he or she determines to be necessary. A decision of the director regarding issuance of undercover license plates shall be final.

(3) Undercover license plates shall be issued to federal, state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover license plates shall also be issued to agencies included in subsection (2) of section 81-1021 for the purposes included in such subsection. Undercover license plates shall not be used on personal vehicles or for personal use of government vehicles.

(4) Records pertaining to undercover license plates shall not be subject to public disclosure. The Department of Motor Vehicles shall keep records pertaining to undercover license plates confidential.

Sec. 2. (1) Any federal, state, county, city, or village agency involved in criminal investigations may apply for undercover license plates on forms prescribed by the Director of Motor Vehicles under section 1 of this act. The agency shall include the name and signature of the contact person for the agency on the form and shall pay the fee prescribed in subsection (5) of section 60-311. If the undercover license plates will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover license plates will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(2) Any state agency included in section 81-1021 may apply for undercover license plates for use on vehicles exempted from the requirements in section 81-1021 and may be used only for the purposes set out in such section. The agencies included in such section shall make application on the same form, in the same

manner, and subject to the same conditions as set out in subsection (1) of this section.

(3) The contact person shall return the undercover license plates to the Department of Motor Vehicles if:

(a) The undercover license plates expire and are not renewed;

(b) The purpose for which the undercover license plates were issued has been completed or terminated; or

(c) The director requests their return.

(4) A state agency, board, or commission that uses motor vehicles from the transportation services bureau of the Department of Administrative Services shall notify the bureau immediately after undercover license plates have been assigned to the motor vehicle and shall provide the equipment and license number and the undercover license plates' numbers to the bureau. The transportation services bureau shall maintain a list of state-owned motor vehicles which have been assigned undercover license plates for the legitimate needs of the bureau. The list shall be confidential and shall not be subject to public disclosure.

Sec. 3. Section 60-311, Revised Statutes Supplement, 1994, is amended to read:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued or shall display undercover license plates issued under sections 1 and 2 of this

act.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16.

(5) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 60-335, Revised Statutes Supplement, 1994, is amended to read:

60-335. No registration fee shall be charged for any motor vehicle owned or leased and used by any city or village of this state, any rural fire protection district, the Civil Air Patrol, any public school district, any county, the state, the United States Government, any joint entity or agency formed pursuant to the Interlocal Cooperation Act or the Integrated Solid Waste Management Act, or any municipal public body or authority used in operating a public passenger transportation system. Any motor vehicle owned or leased and used by this state or any political subdivision as set forth in this section and exempt from a distinct marking as provided in section 81-1021 may carry number plates the same design and size as provided in subsection (3) of section 60-311 or undercover license plates issued under sections 1 and 2 of this act.

Sec. 5. Section 60-462, Revised Statutes Supplement, 1994, is amended to read:

60-462. Sections 60-462 to 60-4,188 and sections 7 and 8 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 6. Section 60-479, Reissue Revised Statutes of Nebraska, is amended to read:

60-479. Sections 60-480 to 60-4,111 and 60-4,182 to 60-4,188 and sections 7 and 8 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 7. (1) The director shall prescribe a form for agencies to apply for an undercover driver's license. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that an undercover driver's license is to be used only for legitimate purposes pursuant to subsection (3) of this section, and a statement that an undercover driver's license is not for personal use.

(2) Upon receipt of a completed form, the director shall determine whether the undercover driver's license will be used by an approved agency for a legitimate purpose pursuant to subsection (3) of this section. If the director determines that the undercover driver's license will be used for such a purpose, he or she may issue the undercover driver's license in the form and under the conditions he or she determines to be necessary. A decision of the director regarding issuance of an undercover driver's license is final.

(3) An undercover driver's license shall be issued to federal, state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. An undercover driver's license shall also be issued to agencies included in subsection (2) of section 81-1021 for the purposes included in such subsection. An undercover driver's license shall not be used for personal purposes.

(4) Records pertaining to undercover driver's licenses shall not be subject to public disclosure. The Department of Motor Vehicles shall keep records pertaining to undercover driver's licenses confidential.

Sec. 8. (1) Any federal, state, county, city, or village agency involved in criminal investigations may apply for an undercover driver's license on forms prescribed by the Director of Motor Vehicles under section 7 of this act. The agency shall include the name and signature of the contact person for the agency on the form and shall pay the fees prescribed in section 60-4,115. If the undercover driver's license will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover driver's license will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(2) Any state agency included in section 81-1021 may apply for undercover driver's licenses as necessary for investigations consistent with the purposes set out in such section. The agencies included in this section shall make application on the same form and in the same manner and subject to the same conditions as set out in subsection (1) of this section.

(3) The contact person shall return the undercover driver's license to the Department of Motor Vehicles if:

(a) The undercover driver's license expires and is not renewed;

(b) The purpose for which the undercover driver's license was issued has been completed or terminated;

(c) The person for whom the undercover driver's license was issued ceases to be an employee of the agency; or

(d) The director requests its return.

Sec. 9. The Revisor of Statutes shall assign sections 1 and 2 of this act to Chapter 60, article 3.

Sec. 10. Original section 60-479, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-335, and 60-462, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE RESOLUTION 51. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie, Messrs. Bernard-Stevens, and Bromm asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM1040

(Amendments to Standing Committee amendments, AM0869)

1. Insert the following new sections:

"Section 1. The State Board of Education, with the assistance of the State Department of Education, shall review existing rules and regulations relating to special education as defined in section 79-3314. All rules or regulations, or portions thereof, not required by state law, federal law, or federal regulation shall be repealed or modified, so that the rules and regulations do not require any action by school districts, educational service units, or approved cooperatives that is not required by state law, federal law, or federal regulation. The State Board of Education shall report to the Committee on Education of the Legislature by November 1, 1995, with preliminary recommendations for state laws that should be repealed, modified, or retained to reduce restrictions on school districts, educational service units, or approved cooperatives in the provision of special education services and programs. The board shall complete its duties under this section and report to the Committee on Education of the Legislature with final recommendations by November 1, 1996. The State Board of Education and the State Department of Education shall strengthen their role in facilitating the effective and efficient delivery of special education services with an emphasis on technical assistance.

Sec. 2. (1) The Legislature finds that the funding system for special education programs should be neutral as to identification and programming of services for students with special needs. Further, the Legislature finds that programs for students with special needs should be, to the extent feasible and consistent with sound education practice, preventative and integrated with regular education services. Services for students with special needs should be driven by student and family needs rather than state funding formulas.

(2) It is the intent of the Legislature that, beginning with school year 1997-98, there shall be implemented a block grant system to replace the existing excess cost reimbursement provisions for the funding of special education programs offered by school districts, educational service units, and approved cooperatives. To the extent possible, the block grant system should be identification and program neutral, assure that adequate resources are available to meet special needs of students, and provide for equity in services to students regardless of the district in which students reside. State funding should be made available to meet the special needs of students without the requirement that students be identified and labeled as "special education".

(3) The Legislature recognizes that the shift from an excess cost reimbursement funding formula to a block grant formula for special education raises several issues which demand further examination and public discussion prior to implementation, including: (a) How to establish the basis for distribution of the block grants; (b) how to provide for the financial support of students with extremely disabling conditions and extraordinary needs which result in high costs to school districts beyond the districts' ability to reasonably provide for services utilizing block grant support and local resources; (c) how to establish the proper funding level for the block grants; (d) how to assure that funding for special education is maintained at the same levels of growth or decline as funding levels of general education; (e) how block grant funding should be integrated with general state aid to be consistent with the principles of student and taxpayer equity underlying the state's equalization aid program; (f) how to phase in block grant funding to minimize financial impacts on school districts; and (g) how the State Department of Education can integrate the administration of block grant funding to eliminate duplication in aid payments, accounting, and reporting of expenditures. It is the intent of the Legislature that these issues shall be addressed through the collaborative efforts of the Special Education Accountability Commission, the School Finance Review Committee, and the State Department of Education.

Sec. 5. Section 79-3368, Reissue Revised Statutes of Nebraska, is amended to read:

79-3368. (1) The Special Education Accountability Commission shall develop an accountability system which adequately measures efficiency and effectiveness of special education programs in a cost-effective manner. The commission shall:

(a) Review all applicable federal and state laws;

(b) Examine the funding mechanism, address issues, and make recommendations relating to the mechanics for implementation of a block grant funding system as described in section 2 of this act, or in the alternative make recommendations for a funding system which will accomplish the goals stated by the Legislature in the findings contained in section 2 of this act. In making such recommendations the commission shall actively collaborate with the members and staff of the School Finance Review Committee and the State Department of Education;

(c) Review any regulatory or procedural changes to determine compatibility with existing law, fiscal impact, and impact on student outcomes;

(d) Review findings of previous committees which have conducted similar studies; and

(e) ~~Develop~~ Address issues and make recommendations for accountability measures for special education, including recommendations for (i) broad frameworks for special education program standards; ~~(f) Establish~~ (ii) a system for assessing student outcomes; and ~~(g) Focus efforts on the establishment of~~ (iii) a system for management and monitoring of special education costs and their impact on total education costs. The commission shall also make recommendations for an accountability report which will describe the services provided to students with special needs and the impacts of those services in the education and post-education performance of such students. Such report shall be incorporated into the State Department of Education data systems and integrated with any accountability measures or student assessment system recommended by the Nebraska Schools Accountability Commission and implemented by the State Department of Education. ~~; and~~

~~(h) Select~~ (2)(a) The commission shall select demonstration sites for the purpose of pilot implementation of program models which can document cost containment while maintaining appropriate services to children with disabilities. Demonstration sites shall be exempt from the provisions of the Special Education Act but shall comply with the federal Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 et seq. The State Board of Education may also waive the application of any provision in its rules and regulations adopted and promulgated under Chapter 79 when application of such provisions would directly limit the ability of the pilot program to accomplish its stated goals. The commission shall assist the ~~The~~ State Department of Education in monitoring and evaluating ~~shall monitor~~ each demonstration site to determine how such site would differ if it were not exempt from the Special Education Act and the rules and regulations adopted and promulgated under Chapter 79 and waived pursuant to this section.

(b) In lieu of any payments or reimbursement from the State Department of Education authorized pursuant to sections 79-3325, 79-3332, 79-3333, and 79-3335, school districts, educational service units, or cooperatives of school districts operating demonstration sites may, upon the approval of the commission, receive from the State Department of Education a special needs block grant for support of an approved pilot program of up to the amount it received as special education payments or reimbursement for the prior school year plus an additional amount based on the percentage increase in the general fund budget of expenditures of the school district, educational service unit, or cooperative of school districts for the ensuing school year. Costs of the pilot programs shall be considered as allowable costs, upon approval of the commission, and shall be included in the final financial report of school districts, educational service units, or cooperatives of school districts for purposes of reimbursement of district, educational service unit, or cooperative programs in subsequent years. Pilot programs may include a portion or all of the students with disabilities served at a demonstration site. If a portion of the students are included in the pilot program, the total block grant shall reflect only the proportion of students included compared to the total costs of the program for all students served at the demonstration site.

(3) ~~(2)~~ The commission shall annually report its activities and recommendations to the ~~Education~~ Committee on Education of the Legislature, the ~~Appropriations~~ Committee on Appropriations of the Legislature, and the State Board of Education and shall make its final report on or before September 1, 1996. The ~~, except that~~ initial recommendations for statutory or procedural changes in the funding mechanism shall be made on or before November 1, 1994. The second report shall include any preliminary recommendations regarding the implementation of a block grant or alternative funding system as described in section 2 of this act and subsection (1) of this section and shall be due December 1, 1995. The final report shall include the commission's evaluation of pilot programs, recommended legislation to implement a block grant or alternative funding system as described in section 2 of this act and subsection (1) of this section, and recommendations for accountability measures for special education.

Sec. 6. Sections 3 and 4 of this act and sections 79-3333, 79-3335, and 79-3336, terminate on August 31, 1997.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 4, line 4, strike "and 79-3332" and insert ", 79-3332, and 79-3368".

3. Renumber the remaining sections accordingly.

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM1076

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 66-1330, Revised Statutes Supplement, 1994, is amended to read:

66-1330. Sections 66-1330 to 66-1348 and sections 2 to 5 of this act shall be known and may be cited as the Ethanol Development Act.

Sec. 2. An excise tax is levied upon all corn and grain sorghum sold or delivered through commercial channels in Nebraska. Except as otherwise provided in this section, the tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. The tax shall be in addition to any fee imposed pursuant to sections 2-3623 and 2-4012. The excise tax shall be imposed on any sale or delivery occurring on or after July 1, 1995, and before January 1, 2001. The excise tax shall be imposed at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced in conjunction with the fees imposed pursuant to sections 2-3623 and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section more than once. In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. If, within six months of the collection of the excise tax for corn or grain sorghum that is mortgaged as security for a loan under the federal price support program the grower of the corn or grain sorghum so mortgaged decides to purchase the corn or grain sorghum and use it as feed, the grower shall be entitled to a refund of the excise tax previously paid. The refund shall be payable by the department upon the grower's written application for a refund. The application shall have attached proof of the tax deducted. The excise tax shall be deducted whether the corn or grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 3. (1) The first purchaser, at the time of sale or delivery, shall retain the excise tax as provided in section 2 of this act and shall maintain the necessary records of the excise tax for each sale or delivery of corn or grain sorghum. Records maintained by the first purchaser shall provide (a) the name and address of the seller or deliverer, (b) the date of the sale or delivery, (c) the number of bushels of corn or hundredweight of grain sorghum sold or delivered, and (d) the amount of excise tax retained on each sale or delivery. The records shall be open for inspection and audit by authorized representatives of the Department of Agriculture during normal business hours observed by the first purchaser.

(2) The first purchaser shall render and have on file with the department by the last day of each January, April, July, and October on forms prescribed by the department a statement of the number of bushels of corn and hundredweight of grain sorghum sold or delivered in Nebraska. At the time the statement is filed, the first purchaser shall pay and remit to the department the excise tax.

(3) The department shall remit the excise tax collected to the State Treasurer for credit to the Ethanol Production Incentive Cash Fund within thirty days after the end of each quarter.

(4) For each fiscal year beginning with fiscal year 1995-96 through fiscal year 2000-01, the department shall calculate its costs in collecting and enforcing the excise tax imposed by section 2 of this act and shall report such costs to the Department of Administrative Services within thirty days after the end of the fiscal year. Sufficient funds to cover such costs shall be transferred from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund at the end of each calendar quarter. Funds shall be transferred upon the receipt of a report of costs incurred by the Department of Agriculture for the previous calendar quarter by the Department of Administrative Services.

Sec. 4. The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of the following fiscal years, the following amounts:

(1) For each of fiscal years 1995-96 and 1996-97, $2,000,000 per fiscal year;

(2) For each of fiscal years 1997-98 and 1998-99, $13,000,000 per fiscal year;

(3) For fiscal year 1999-2000, $9,000,000; and

(4) For fiscal year 2000-01, $3,000,000.

Sec. 5. Any person violating any of the provisions of section 2 or 3 of this act shall be guilty of a Class III misdemeanor.

Sec. 6. Section 66-1333, Revised Statutes Supplement, 1994, is amended to read:

66-1333. For purposes of the Ethanol Development Act, unless the context otherwise requires:

(1) Agricultural production facility or ethanol facility ~~shall mean~~ means a plant or facility related to the processing, marketing, or distribution of any products derived from grain components, coproducts, or byproducts;

(2) Board ~~shall mean~~ means the Nebraska Ethanol Board;

(3) Commercial channels means the sale or delivery of

corn or grain sorghum for any use, to any commercial buyer, dealer, processor, cooperative, or person, public or private, who resells any corn or grain sorghum or product produced from corn or grain sorghum;

(4) Corn means corn as defined in section 2-3610;

(5) First purchaser means any person, public or private corporation, association, partnership, or limited liability company buying, accepting for shipment, or otherwise acquiring corn or grain sorghum in Nebraska, and includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower, when the actual or constructive possession of the corn or grain sorghum is taken as part payment or in satisfaction of such mortgage, pledge, lien, or claim;

(6) Grain ~~shall mean~~ means wheat, corn, and grain sorghum; ~~and~~

~~(4)~~ (7) Grower means any landowner personally engaged in growing corn or grain sorghum, a tenant of the landowner personally engaged in growing corn or grain sorghum, and both the owner and tenant jointly and shall include a person, partnership, limited liability company, association, corporation, cooperative, trust, sharecropper, and other business unit, device, and arrangement;

(8) Name plate design capacity ~~shall mean~~ means the original designed capacity of an agricultural production facility. Capacity may be specified as bushels of grain ground or gallons of ethanol produced per year; and

(9) Sale includes any pledge or mortgage of corn or grain sorghum after harvest to any person, public or private.

Sec. 7. Section 66-1345, Revised Statutes Supplement, 1994, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, ~~and~~ (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 2 of this act, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 4 of this act.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489 and 66-668;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 3 of this act for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund.

Sec. 8. Original sections 66-1330, 66-1333, and 66-1345, Revised Statutes Supplement, 1994, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM1075

(Amendments to Standing Committee amendments, AM0185)

1. On page 1, line 9, before "The" insert paragraphing and "(3)"; after line 16 insert the following new subsections:

"(4) The report shall list (a) the recipients of loans or grants during the previous calendar year, (b) the identity of each recipient, and (c) the location of each project.

(5) The report shall also state by industry group (a) the number of jobs created, (b) the total number of employees employed in the state by the recipients on the last day of the calendar quarter prior to the application date and the total number of employees employed in the state by the recipients on subsequent reporting dates, (c) the expansion of capital investment, (d) the estimated wage and benefit levels of jobs created subsequent to the application date, (e) the amount of the loans or grants, and (f) the projected future state revenue gains and losses.

(6) No information shall be provided in the report that is protected by state or federal confidentiality laws."; and in line 16 strike "(3)" and insert "(7)".

Ms. Schimek asked unanimous consent to print the following amendment to LB 68 in the Journal. No objections. So ordered.

AM0898

1. On page 2, line 1, before "any" insert "(a)"; in line 6 before "shall" insert "and (b) any self-funded employee benefit plan to the extent not preempted by federal law"; in line 8 strike "(a)" and insert "(i)"; in line 11 strike "(b)" and insert "(ii)"; and in line 15 strike "(c)" and insert "(iii)".

VISITORS

Visitors to the Chamber were Keriann Johnson, Mariel Harding, and Aimee Schmidt from Norris Elementary; 12 fourth grade students and teacher from St. Joseph Catholic School, Beatrice; Betty and Art Giron from Hesperia, California, JoAnn, Bree, and Seth Nott from Plattsmouth, and Carol Nash from Lincoln; Luann, Dave, and Allison Zastrow from Lincoln; Sarah Donovan from Peru and Nancy Donovan from Lincoln; and 45 fifth grade students and teacher from Clarkson Elementary, Fremont.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-EIGHTH DAY - MARCH 22, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Tom Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Chambers, Engel, Hartnett, Kristensen, Landis, Will, Mmes. Crosby, Hudkins, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 752. Placed on Select File as amended.
E & R amendment to LB 752:
AM7075

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Rehabilitation and Support Mental Health Services Incentive Act.

Sec. 2. The Legislature finds and declares that:

(1) Community-based mental health services substantially enrich the lives of persons with mental illness and enable such

persons to become more productive and involved members of society and the provision of such services supports the intent and purposes of the family policy objectives prescribed in sections 43-532 to 43-534;

(2) Rehabilitation and support services are needed in communities to provide persons disabled by severe and persistent mental illness with the opportunity for rehabilitation, housing, work, and supportive care;

(3) A supplemental program to the Nebraska Comprehensive Community Mental Health Services Act should be implemented to provide incentives for the development of rehabilitation and support services;

(4) The Department of Public Institutions is the state mental health authority and is the primary state agency responsible for the planning and development of community-based rehabilitation and support mental health services in Nebraska. The Department of Social Services is the primary state medicaid authority. It is the intent of the Legislature that matching federal funds through the medicaid rehabilitation option will be used to develop middle-intensity, community-based services for Nebraskans with severe, persistent, and disabling psychiatric disorders;

(5) All available federal, state, and private resources, including specialized managed care for Nebraskans with severe, persistent, and disabling psychiatric disorders, should be effectively utilized; and

(6) Too few appropriately trained mental health professionals are available to meet the present and future needs of Nebraskans with severe, persistent, and disabling psychiatric disorders.

Sec. 3. For purposes of the Rehabilitation and Support Mental Health Services Incentive Act:

(1) Department means the Department of Public Institutions;

(2) Medicaid rehabilitation option means the agreement pursuant to federal law allowing matching federal funds to be available for middle-intensity, community-based services for Nebraskans with severe, persistent, and disabling psychiatric disorders;

(3) Mental health regions means the regions as defined in section 71-5002; and

(4) Rehabilitation and support services means services intended to provide persons disabled by severe and persistent mental illness and their families with the knowledge, skills, and support necessary to maximize independent functioning and participation in society and includes, but is not limited to, case management services, residential rehabilitation services, community-living services, residential support services, and vocational support services.

Sec. 4. The department may enter into agreements with mental health regions, other public authorities, or private organizations to provide rehabilitation and support services, including sharing resources to provide the nonfederal matching funds for services provided pursuant to the medicaid rehabilitation option. State funds shall not be used for capital construction. When entering into agreements for the provision of rehabilitation and support services, the department shall consider the availability of such services and the needs of persons within the area to be served. The Rehabilitation and Support Mental Health Services Incentive Act does not prevent the provision of similar services under authority of the Nebraska Comprehensive Community Mental Health Services Act.

Sec. 5. Persons receiving rehabilitation and support services pursuant to the Rehabilitation and Support Mental Health Services Incentive Act shall be charged fees in accordance with their ability to pay in the same manner and at the same rate as provided in section 71-5014.

Sec. 6. The department shall require audits, reports, and plans as it deems necessary to supervise and monitor agreements made pursuant to the Rehabilitation and Support Mental Health Services Incentive Act. The department shall provide accountability for all sources and expenditures of funds for all organizations receiving any funds under the act. The department shall adopt and promulgate rules and regulations necessary to carry out the act.

Sec. 7. The Department of Social Services shall take all lawful actions which would provide medicaid funds for the support of both treatment for persons with mental illness and rehabilitation and support services. Any such funds made available will be used to fund a contract between the Department of Social Services and the Department of Public Institutions (1) for providing treatment services in support of the provision of rehabilitation and support services under the Rehabilitation and Support Mental Health Services Incentive Act, (2) for the actual provision of rehabilitation and support services, and (3) for services under Title XX of the federal Social Security Act, as amended.

Sec. 8. The Department of Social Services, in consultation with the Department of Public Institutions, professional provider organizations, advocates, consumers, and families of persons with severe, persistent, and disabling psychiatric disorders, shall apply for and implement the federal medicaid rehabilitation option and apply for any necessary waivers of federal law, with the goal of providing more effective community-based services, preventing unnecessary and expensive hospitalization, and promoting more effective utilization of the state's inpatient psychiatric facilities. The state may apply such in a revenue-neutral manner relative to the General Fund. The state shall cooperate with local governmental subdivisions to generate matching funds for medicaid rehabilitation option services with local approval. The Department of Social Services shall contract with the Department of Public Institutions for provision of services under the Rehabilitation and Support Mental Health Services Incentive Act.

Sec. 9. The Department of Social Services shall contract with the Department of Public Institutions to implement a case management system for persons disabled by severe and persistent mental illness using federal medicaid and other relevant federal financing.

Sec. 10. The Department of Social Services shall submit a report on the status of its application for the medicaid rehabilitation option by September 30, 1995, to the Health and Human Services Committee of the Legislature.

Sec. 11. The Department of Public Institutions shall adopt policies to require all state-funded residential psychiatric services operated by the department to utilize an interdisciplinary professional staff administrative model. All categories of professional staff involved in psychiatric rehabilitation services in the regional center shall be integrated into the administrative structure of the regional center if qualified by their direct administrative or management experience or training. Preference shall be given to the most cost-efficient use of professional staff in administrative positions or roles.".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 290. Indefinitely postponed.
LEGISLATIVE BILL 437. Indefinitely postponed.
LEGISLATIVE BILL 500. Indefinitely postponed.
LEGISLATIVE BILL 526. Indefinitely postponed.
LEGISLATIVE BILL 529. Indefinitely postponed.
LEGISLATIVE BILL 621. Indefinitely postponed.
LEGISLATIVE BILL 623. Indefinitely postponed.
LEGISLATIVE BILL 638. Indefinitely postponed.
LEGISLATIVE BILL 737. Indefinitely postponed.
LEGISLATIVE BILL 780. Indefinitely postponed.

LEGISLATIVE RESOLUTION 44CA. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

MESSAGE FROM THE GOVERNOR

March 21, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 173, 173A, 83, 83A, 93, 119, 412, 501, 502, 158, 147, 94, and 77 were received in my office on March 15, 1995.

These bills were signed by me on March 21, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 524A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 524, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

AM0345

1. On page 28, line 11, strike "at least two-thirds" and insert "a majority".

SELECT FILE

LEGISLATIVE BILL 136A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 20A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 182A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 401A. Advanced to E & R for engrossment.

MOTION - Place LB 221 on General File

Mr. Hall withdrew his motion found in the Journal on page 1069, that pursuant to Rule 3 Section 17 to have LB 221 placed on General File, notwithstanding the action of the Business and Labor Committee.

MOTION - Place LB 863 on General File

Mr. Maurstad renewed his pending motion, found in the Journal on page 1117, that pursuant to Rule 3, Section 17, to have LB 863 placed on General File, notwithstanding the action of the Judiciary Committee.

Messrs. Cudaback, Bernard-Stevens, Elmer, Avery, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Maurstad requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Abboud
Bromm
Brown
Coordsen
Crosby
Dierks
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 13:

Beutler
Bohlke
Brashear
Chambers
Hall
Hartnett
Hillman
Lindsay
Lynch
McKenzie
Robak
Schmitt
Wickersham

Present and not voting, 1:

Robinson

Absent and not voting, 1:

Preister

Excused and not voting, 9:

Avery
Bernard-Stevens
Cudaback
Day
Elmer
Engel
Landis
Schimek
Will

The motion to cease debate prevailed with 25 ayes, 13 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Mr. Lindsay requested a roll call vote on the Maurstad motion to place LB 863 on General File.

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 11:

Abboud
Beutler
Bohlke
Chambers
Hall
Hartnett
Hillman
Lindsay
McKenzie
Robak
Wickersham

Present and not voting, 2:

Wesely
Withem

Absent and not voting, 1:

Preister

Excused and not voting, 7:

Cudaback
Day
Elmer
Engel
Landis
Schimek
Will

The Maurstad motion lost with 28 ayes, 11 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1082

1. On page 2, strike beginning with the first "and" in line 6 through the underscored period in line 19 and insert "the salary of the Chief Justice and the judges of the Supreme Court shall be ninety thousand eight hundred one dollars. On July 1,

1996, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-one thousand two hundred forty-two dollars.".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1113

(Amendments to E & R amendments, AM7063)

1. Strike sections 2 and 3.

2. On page 4, line 20, strike beginning with "sections" through the comma and insert "section 43-504,"; and in line 21 strike "are" and insert "is".

3. Renumber the remaining section accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM0972

1. Insert the following new sections:

"Sec. 4. This act becomes operative on July 1, 1995.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1086

(Amendments to Standing Committee amendments, AM0216)

1. Strike section 7 and renumber the remaining section accordingly.

2. On page 2, line 21, strike "the operative date of this act" and insert "January 1, 1997".

Messrs. Preister, Hall, and Lindsay asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM1083

(Amendments to E & R amendments, AM7058)

1. Insert the following new section:

"Sec. 2. Section 44-1525, Revised Statutes Supplement, 1994, is amended to read:

44-1525. Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

(b) Misrepresents the dividends or share of the surplus to be received on any policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any policy;

(d) Misleads as to or misrepresents the financial condition of any insurer or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any policy or class of policies which misrepresents the true nature thereof;

(f) Misrepresents for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any policy, including intentionally misquotes any premium rate;

(g) Misrepresents for the purpose of effecting a pledge or assignment of or effecting a loan against any policy; or

(h) Misrepresents any policy as being shares of stock;

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any insurer in the conduct of his or her insurance business which is untrue, deceptive, or misleading;

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false or maliciously critical of or derogatory to the financial condition of any insurer and which is calculated to injure such insurer;

(4) Entering into any agreement to commit or by any concerted action committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of insurance;

(5)(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of an insurer; or

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7)(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any life insurance policy or annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such policy or annuity;

(b) Making or permitting any unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any sickness and accident insurance policy or in the benefits payable thereunder, in any of the terms or conditions of such policy, or in any other manner, except that this subdivision shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113;

(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex or marital status of the individual. This subdivision shall not prohibit an insurer from taking marital status into account for the purpose of defining individuals eligible for dependent benefits; ~~or~~

(f) Terminating or modifying coverage or refusing to issue or refusing to renew any property or casualty insurance policy solely because the applicant or insured or any employee of the applicant or insured is mentally or physically impaired unless:

(i) The termination, modification, or refusal is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The termination, modification, or refusal is required by law, rule, or regulation.

This subdivision (f) shall not apply to any sickness and accident insurance policy sold by a casualty insurer and shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any policy; or

(g) Making or permitting any discrimination between individuals in premium, policy fees, or rates charged for automobile liability policies in the minimum amounts established in subdivision (3) of section 60-301 because of the geographic location of the individual;

(8)(a) Except as otherwise expressly provided by law:

(i) Knowingly permitting or offering to make or making any life insurance policy, annuity, or sickness and accident insurance policy, or agreement as to any such policy or annuity, other than as plainly expressed in the policy or annuity issued thereon, or paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such policy or annuity, any rebate of premiums payable on the policy or annuity, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy or annuity; or

(ii) Giving, selling, purchasing, or offering to give, sell, or purchase as inducement to such policy or annuity or in connection therewith any stocks, bonds, or other securities of any insurer or other corporation, association, partnership, or limited liability company, or any dividends or profits accrued thereon, or anything of value not specified in the policy or annuity.

(b) Nothing in subdivision (7) or (8)(a) of this section shall be construed as including within the definition of discrimination or rebates any of the following acts or practices:

(i) In the case of any life insurance policy or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance if such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the insurer and its policyholders;

(ii) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or

(iii) Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) Failing of any insurer to maintain a complete record of all the complaints received since the date of its last examination conducted pursuant to the Insurers Examination Act. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. For purposes of this subdivision, complaint shall mean any written communication primarily expressing a grievance;

(10) Making false or fraudulent statements or representations on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual person;

(11) Failing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days; and

(12) Violating any provision of section 44-320, 44-348, 44-360, 44-361, 44-369, 44-392, 44-393, 44-515 to 44-518, 44-522, 44-523, 44-1951, 44-1953 to 44-1955, 44-1959, 44-1960, 44-1975, 44-2132 to 44-2134, 44-3606, 44-4809, 44-4812, 44-4817, or 44-5266.".

2. On page 30, line 4, after the first comma insert "44-1525,".

3. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 178A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, Ninety-fourth Legislature, First Session, 1995.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 592. Placed on General File as amended.
(Standing Committee amendment, AM1026, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) John Lindsay, Chairperson

SELECT FILE

LEGISLATIVE BILL 386. E & R amendment, AM7033, found in the Journal on page 707, was adopted.

Mr. Warner withdrew his amendment, AM0433, found in the Journal on page 757.

Advanced to E & R for engrossment.

MR. HALL PRESIDING

LEGISLATIVE BILL 377. E & R amendment, AM7050, found in the Journal on page 1007, was adopted.

Mrs. McKenzie renewed her pending amendment, AM1076, found in the Journal on page 1207.

Mr. Withem offered the following amendment to the McKenzie pending amendment:
FA81
Amend AM1076
Page 4, strike lines 4-7.

Mr. Withem withdrew his amendment.

Mrs. McKenzie offered the following amendment to her pending amendment:
AM1120

(Amendments to AM1076)

1. On page 1, line 9, strike "or delivered" and after "Nebraska" insert "or delivered in Nebraska".

2. On page 4, line 20, strike "or delivery"; and in line 26 after "(5)" insert "Delivered or delivery means receiving corn or grain sorghum for any use other than storage;
(6)".

3. On page 5, line 7, strike "(6)" and insert "(7)"; in line 9 strike "(7)" and insert "(8)"; in line 15 strike "(8)" and insert "(9)"; and in line 19 strike "(9)" and insert "(10)".

The McKenzie amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the McKenzie pending amendment:
FA82
Amendment to AM1076

In Section 4, strike beginning with "The" through "amounts:" and insert: "It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following fiscal years:"

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to bracket LB 377. No objections. So ordered.

LEGISLATIVE BILL 275. E & R amendment, AM7051, printed separately from the Journal and referred to on page 1010, was adopted.

Messrs. Bernard-Stevens and Pedersen offered the following amendment:
FA83
Amend AM7051
On page 21, line 15, before the period insert "unless the mental health region is a direct provider of services dealing with the treatment of compulsive gambling"

The Bernard-Stevens-Pedersen amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 275A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 668. Advanced to E & R for engrossment.

LEGISLATIVE BILL 178. E & R amendment, AM7053, found in the Journal on page 1057, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 300. Advanced to E & R for engrossment.
LEGISLATIVE BILL 508. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 616. Placed on General File as amended.
Standing Committee amendment to LB 616:
AM1033

1. Strike original section 3 and insert the following new sections:

"Section 1. Section 44-4820, Reissue Revised Statutes of Nebraska, is amended to read:

44-4820. (1) The director may petition for an order dissolving the corporate existence of a domestic insurer or the United States branch of an alien insurer domiciled in this state at the time he or she applies for a liquidation order. The court shall order dissolution of the corporation upon petition by the director upon or after the granting of a liquidation order. If the dissolution has not previously been ordered~~, it~~ and if control and ownership of the insurer has not been transferred pursuant to subsection (2) of this section, dissolution shall be effected by operation of law upon the discharge of the liquidator if the insurer is insolvent but may be ordered by the court upon the discharge of the liquidator if the insurer is under a liquidation order for some other reason.

(2) Notwithstanding the entry of a liquidation order, on the motion of the liquidator and following such notice and hearing and on such terms as the court deems appropriate, the court may approve the liquidator's cancellation of all outstanding stock and other securities of, and other equity interests in, the insurer and the court may approve the issuance and sale of new stock or other securities for the purpose of transferring to one or more buyers control and ownership of the insurer together with any or all of its licenses and certificates to do business and such other assets as the liquidator deems appropriate to the transaction. The proceeds of such sale shall be assets of the liquidation estate of the insurer. The order of the court approving such a sale may provide that the sale is free and clear of all claims and interests of the insurer's insureds, creditors, shareholders, and members and all other persons interested in the insurer's estate and may discharge the insurer and all property which is the subject of the sale from all claims and interests of the insurer's insureds, creditors, shareholders, and members and all other persons interested in the insurer's estate, except that such a discharge shall not affect the rights of the insurer's insureds, creditors, shareholders, and members and all other persons interested in the insurer's estate to participate in distributions from the estate as otherwise provided in the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.

Sec. 2. Section 44-4828, Reissue Revised Statutes of Nebraska, is amended to read:

44-4828. (1)(a) A preference shall mean a transfer of any of the property of an insurer to or for the benefit of a creditor, for or on account of an antecedent debt, made or suffered by the insurer within one year before the filing of a successful petition for liquidation under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act the effect of which transfer may be to enable the creditor to obtain a greater percentage of such debt than another creditor of the same class would receive. If a liquidation order is entered while the insurer is already subject to a rehabilitation order, such transfers shall be deemed preferences if made or suffered within one year before the filing of the successful petition for rehabilitation or within two years before the filing of the successful petition for liquidation, whichever time is shorter.

(b) Any preference may be avoided by the liquidator if:

(i) The insurer was insolvent at the time of the transfer;

(ii) The transfer was made within four months before the filing of the petition;

(iii) The creditor receiving it or to be benefited thereby or his or her agent acting with reference thereto had, at the time when the transfer was made, reasonable cause to believe that the insurer was insolvent or was about to become insolvent; or

(iv) The creditor receiving it was: An officer; any employee, attorney, or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not he or she held such position; any shareholder holding directly or indirectly more than five percent of any class of any equity security issued by the insurer; or any other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length. ~~; or~~

(c) ~~(v)~~ When the preference is voidable, the liquidator may recover the property or, if it has been converted, its value from any person who has received or converted the property, except when a bona fide purchaser or lienor has given less than fair equivalent value, he or she shall have a lien upon the property to the extent of the consideration actually given by him or her. When a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the liquidator.

(2)(a) A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.

(b) A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.

(c) A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.

(d) A transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.

(e) The provisions of this subsection shall apply whether or not there are or were creditors who might have obtained liens or persons who might have become bona fide purchasers.

(3)(a) A lien obtainable by legal or equitable proceedings upon a simple contract shall be one arising in the ordinary course of such proceedings upon the entry or docketing of a judgment or decree or upon attachment, garnishment, execution, or like process, whether before, upon, or after judgment or decree and whether before or upon levy. It shall not include liens which under applicable law are given a special priority over other liens which are prior in time.

(b) A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee or a purchaser could obtain rights superior to the rights of a transferee within the meaning of subsection (2) of this section if such consequences would follow only from the lien or purchase itself or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior rights for the purpose of subsection (2) of this section through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any third party or which require any further judicial action or ruling.

(4) A transfer of property for or on account of a new and contemporaneous consideration which is deemed under subsection (2) of this section to be made or suffered after the transfer because of delay in perfecting shall not thereby become a transfer for or on account of an antecedent debt if any acts required by the applicable law to be performed in order to perfect the transfer as against liens or bona fide purchasers' rights are performed within twenty-one days or any period expressly allowed by the law, whichever is less. A transfer to secure a future loan, if such a loan is actually made, or a transfer which becomes security for a future loan shall have the same effect as a transfer for or on account of a new and contemporaneous consideration.

(5) If any lien deemed voidable under subdivision (1)(b) of this section has been dissolved by the furnishing of a bond or other obligation, the surety on which has been indemnified directly or indirectly by the transfer of or the creation of a lien upon any property of an insurer before the filing of a petition under the act which results in a liquidation order, the indemnifying transfer or lien shall also be deemed voidable.

(6) The property affected by any lien deemed voidable under subsections (1) and (5) of this section shall be discharged from such lien, and that property and any of the indemnifying property transferred to or for the benefit of a surety shall pass

to the liquidator, except that the court may on due notice order any such lien to be preserved for the benefit of the estate and the court may direct that such conveyance be executed as may be proper or adequate to evidence the title of the liquidator.

(7) The district court of Lancaster County shall have summary jurisdiction of any proceeding by the liquidator to hear and determine the rights of any parties under this section. Reasonable notice of any hearing in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other like obligation. When an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, the court, upon application of any party in interest, shall in the same proceeding ascertain the value of the property or lien, and if the value is less than the amount for which the property is indemnity or than the amount of the lien, the transferee or lienholder may elect to retain the property or lien upon payment of its value, as ascertained by the court, to the liquidator within such reasonable times as the court shall fix.

(8) The liability of the surety under a releasing bond or other like obligation shall be discharged to the extent of the value of the indemnifying property recovered or the indemnifying lien nullified and avoided by the liquidator or, when the property is retained under subsection (7) of this section, to the extent of the amount paid to the liquidator.

(9) If a creditor has been preferred and afterward in good faith gives the insurer further credit without security of any kind for property which becomes a part of the insurer's estate, the amount of the new credit remaining unpaid at the time of the petition may be set off against the preference which would otherwise be recoverable from him or her.

(10) If an insurer, directly or indirectly, within four months before the filing of a successful petition for liquidation under the act or at any time in contemplation of a proceeding to liquidate, pays money or transfers property to an attorney for services rendered or to be rendered, the transactions may be examined by the court on its own motion or shall be examined by the court on petition of the liquidator and shall be held valid only to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the liquidator for the benefit of the estate, except that if the attorney is in a position of influence in the insurer or an affiliate thereof, payment of any money or the transfer of any property to the attorney for services rendered or to be rendered shall be governed by subdivision (1)(b)(iv) of this section.

(11)(a) Every officer, manager, employee, shareholder, member, subscriber, attorney, or any other person acting on behalf of the insurer who knowingly participates in giving any preference when he or she has reasonable cause to believe the insurer is or is about to become insolvent at the time of the preference shall be personally liable to the liquidator for the amount of the preference. It shall be permissible to infer that there is a reasonable cause to so believe if the transfer was made within four months before the date of filing of the successful petition for liquidation.

(b) Every person receiving any property from the insurer or the benefit thereof as a preference voidable under subsection (1) of this section shall be personally liable therefor and shall be bound to account to the liquidator.

(c) Nothing in this subsection shall prejudice any other claim by the liquidator against any person.

Sec. 4. Sections 3 and 5 of this act become operative on October 1, 1995. The other sections of this act become operative on their effective date.

Sec. 6. Original sections 44-4820 and 44-4828, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 21, strike "act" and insert "section".

3. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE RESOLUTION 30CA. Placed on General File.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 497. Placed on General File as amended. (Standing Committee amendment, AM0697, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1119

1. Insert the following new sections:

"Section 1. Section 44-4233, Reissue Revised Statutes of Nebraska, is amended to read:

44-4233. (1) Any member subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such member against its tax liability in the year of payment or subsequent years. For tax years commencing on or after January 1, 1992, the member may offset such paid assessments against (a) subsequent premium tax prepayments imposed by section 77-918, (b) subsequent premium tax payments imposed by section 77-908, and (c) related retaliatory tax liability imposed by section 44-150. Prior to January 1, ~~1996~~ 1998, no individual member shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1991 and for all subsequent years prior to January 1, ~~1996~~ 1998, whenever it reasonably appears to the satisfaction of the board that a member has during a calendar year paid assessments that exceed that member's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such member, order the refund to that member of the amount of the assessment that exceeded that member's premium and related retaliatory tax liability. A member's request for a refund shall be filed with the board not later than thirty days after the due date of the member's premium tax return filed with the department. If the refund is not made by the board within thirty days after receipt of the refund request, the member may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that member's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.

Sec. 5. Sections 5 to 8 of this act shall be known and may be cited as the Health Care Purchasing Pool Act.

Sec. 6 The Legislature recognizes that a pooling mechanism offers the potential to purchase health care at more affordable prices. The Legislature further recognizes that health care purchasing pools do not require that all groups have the same type of health care coverage or benefits and that many options are available.

It is the intent of the Legislature to establish a process to determine whether there should be a coordinated purchasing process for some or all publicly sponsored health care coverage in order to reduce costs and to promote the most efficient methods of financing and coordinating health care services. It is also the intent of the Legislature that the process established also determines whether a health care purchasing pool if established should be made available to individuals, small employer groups, and other associations.

Sec. 7. The Director of Health shall report to the Legislature and the Governor by December 1, 1995, as to whether a health care purchasing pool should be established and recommendations concerning who should be included in such a pool. The report should include recommendations for a governing structure for the pool and recommendations concerning the operation and management of the pool.

Sec. 8. The report of the Director of Health under section 7 of this act shall also include:

(1) The benefits of consolidating administrative functions on behalf of participants in the pool, including claims processing, utilization review, management reports, and benefit management;

(2) Evaluation of potential cost savings;

(3) A recommendation as to whether to place the medical and acute care components of the medical assistance program established under sections 68-1018 to 68-1025 or persons currently participating in the Comprehensive Health Insurance Pool into a health care purchasing pool. The recommendations shall include whether the health care purchasing pool should be available to individuals, small employers, or associations who may choose to participate in the pool;

(4) Other recommendations regarding purchasing strategies and techniques for efficient administration that have potential application to all state-purchased health services; and

(5) Recommendations to insure access to quality care, including assuring reasonable access to local providers, especially for persons residing in rural areas.

Sec. 9. Efforts to reform the health care system at the state level have been hampered due to preemption of self-insured plans under the current terms of the federal Employee Retirement Income Security Act of 1974, and elements of reform will not be applicable unless and until a waiver of the applicable provisions of the federal law is received from the Congress of the United States. The Governor or his or her designee shall take all appropriate actions to submit such a waiver and secure its passage by Congress.".

2. On page 8, line 19, after "sections" insert "section 44-4233, Reissue Revised Statutes of Nebraska, and sections".

3. Renumber the remaining sections accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM1123

1. On page 2, line 4, strike "81-816 to 81-823" and insert "81-817, 81-818, 81-820 to 81-823".

Mr. Avery asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM1124

1. On page 2, line 4, strike "81-816 to 81-823" and insert "81-817 to 81-823".

Mr. Avery asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM1126

1. Insert the following new section:

"Section 1. Section 81-819, Reissue Revised Statutes of Nebraska, is amended to read:

81-819. The Committee on Intergovernmental Cooperation of the Legislature shall function during the regular sessions of the Legislature and also during the interim periods between such sessions. ~~Its members shall serve until their successors are designated; and it shall constitute for this state the Legislative Council of the American Legislators' Association. The term of each administrative member of the commission shall extend until February 1 next following his appointment and thereafter until his successor is appointed.~~".

2. On page 2, line 4, strike "81-816 to 81-823" and insert "81-817, 81-818, and 81-820 to 81-823".

3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 298A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 298, Ninety-fourth Legislature, First Session, 1995.

VISITORS

Visitors to the Chamber were eight students and teacher from Irving Middle School, Lincoln; 48 fifth grade students and sponsors from Linden Elementary, Fremont; Nicholas Rowland from Pleasant Dale; and Jan Larsen from Fremont.

RECESS

At 11:48 a.m., on a motion by Mr. Maurstad, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Bernard-Stevens, Coordsen, Elmer, Landis, Matzke, Pedersen, Robinson, Schellpeper, Schmitt, Schrock, Warner, Wesely, Will, and Mrs. Brown who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 20A, 136A, 182A, and 401A.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM1125

1. On page 2, line 2, strike "1997" and insert "1999"; and in line 4, strike "81-816 to 81-823" and insert "81-817, 81-818, 81-820, 81-821, 81-822, and 81-823".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM1137

(Amendments to AM1076)

1. Insert the following new section:

"Sec. 7. Section 66-1344, Revised Statutes Supplement, 1994, is amended to read:

66-1344. (1) Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor fuel tax credit certificate.

After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.

(2) Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 1997.

(3) Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains production at the rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(4) Any ethanol facility eligible for a credit under subsection (1), (2), or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000.

(5) The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the credit, and the credit may only be claimed by a producer for the period specified in subsection (2), (3), or (4) of this section.

(6) The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

(7) For purposes of ascertaining the correctness of any application for claiming the credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters,

(b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.".

2. On page 7, line 25, before "and" insert ", 66-1344,".

3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AM1138

1. Strike original section 34 and insert the following new sections:

"Sec. 13. Section 75-128, Revised Statutes Supplement, 1994, is amended to read:

75-128. (1) It is hereby declared to be the policy of the Legislature that all matters presented to the commission be heard and determined without delay. All matters requiring a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, which showing shall be recited in the order, shall the time fixed for hearing be more than six months after the date of filing of the application, complaint, or petition on which such hearing is to be had. Except in case of an emergency and upon a motion to proceed with less than a quorum made by all parties and supported by a showing of clear and convincing evidence of such emergency and benefit to all parties, a quorum of the commission shall hear all matters set for hearing. Except as otherwise provided in section 75-121 and except for good cause shown, a decision of the commission shall be made and filed within thirty days after completion of the hearing or after submission of affidavits in nonhearing proceedings.

(2) Applications for commission approval of specific new rates or charges or changes in existing rates or charges for telephone service which have not been heard and determined within six months and thirty days from the date the application was filed may be put into effect by the common carrier, in an amount not to exceed seventy-five percent of the total amount of the application,

subject to refund of any amount collected in excess of the amount which would have been collected under the new or changed rates or charges as finally approved by the commission. The refund shall include an interest payment at a rate of interest determined by the commission, except that the rate of interest shall not exceed the overall rate of return which the common carrier is authorized to earn. When making its final determination on the application, the commission shall not consider the rates and charges of the company put into effect pending such final determination. This section shall not apply to rates or charges placed into effect under section 75-616.

(3) In the case of any proceeding upon which a hearing is held, the transcript of testimony shall be prepared and submitted to the commission prior to entry of an order, except that it shall not be necessary to have prepared prior to commission decision the transcripts of testimony on hearings involving noncontested proceedings and hearings involving emergency rate applications under section 75-121.

(4) For each application, complaint, or petition filed with the commission, except those filed under sections 75-301 to ~~75-322.04~~ 75-322, there shall be charged a filing fee to be determined by the commission, but in an amount not to exceed the sum of fifty dollars payable at the time of such filing. There shall also be charged to persons regulated by the commission a hearing fee of fifty dollars for each half day of hearings if the person regulated by the commission files an application, complaint, or petition which necessitates a hearing.

Sec. 16. Section 75-136, Revised Statutes Supplement, 1994, is amended to read:

75-136. If a party to any proceeding is not satisfied with the order entered by the commission other than an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act, such party may appeal to the Court of Appeals as provided in section 75-137 to reverse, vacate, or modify the order. In the case of an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act, the party may (1) seek the review of the Court of Appeals as provided in section 75-137 or (2) seek judicial review of the order under section 75-136.01. Subdivisions (1) and (2) of this section are mutually exclusive and the choice of either section 75-136.01 or 75-137 shall govern the appeal process.

Sec. 17. Section 75-136.01, Revised Statutes Supplement, 1994, is amended to read:

75-136.01. (1) Proceedings for review of an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act shall be instituted by filing a petition in the district court of Lancaster County or in the district court of the county in which the party is domiciled within thirty days after the date of the mailing of a copy of the order by the commission to the party appealing. All parties of record shall be made parties to the proceedings for review. Summons shall be served within thirty days of the filing of the petition in the manner provided for service of a summons in a civil action. The court, in its discretion, may permit other interested persons to intervene. The filing of the petition or the service of the summons upon the commission shall not automatically stay enforcement of a decision. The commission may stay enforcement of a decision, or the court may order a stay after notice to the commission of application for a stay upon such terms as it deems proper and shall require the party requesting such stay to give bond in the amount specified in the order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act and conditioned as the court directs. Within fifteen days after service of the petition or within such further time as the court for good cause shown allows, the commission shall prepare and transmit to the court the verbatim testimony transcribed by the official stenographer, including all exhibits, which shall constitute the bill of exceptions. The pleadings, order appealed, and bill of exceptions duly certified to by the executive director of the commission shall constitute the complete record. A copy of the original order appealed, certified to be a true and correct copy by the executive director or a commissioner, shall be admitted in evidence as prima facie evidence of every fact found and that such order is prima facie just and reasonable.

(2) The review shall be conducted by the court without a jury on the record of the commission.

(3) The court may affirm the decision of the commission or remand the case for further proceedings or may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the commission; or

(c) Arbitrary or capricious.

(4) The commission or such party shall have the right to appeal the decision of the district court to the Court of Appeals under the rules provided by law for appeals to the Court of Appeals, except that in no case shall security for such appeal be required when the appeal is taken by the commission.

(5) The review provided by this section shall not be available in any case when other provisions of law prescribe the method of appeal.

Sec. 18. (1) In addition to other penalties and relief provided by law, the Public Service Commission may assess a civil penalty of up to five thousand dollars against any person, motor carrier, regulated motor carrier, common carrier, or contract carrier for the violation of (a) any provision of Chapter 75, article 3, sections 30 to 32, 44, and 45 of this act, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act, (b) any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act, or (c) any rule, regulation, or order of the commission issued pursuant to Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(2) The commission may assess a civil penalty of up to one hundred dollars against any person, firm, partnership, corporation, cooperative or association for (a) the violation of any provision of sections 75-604 and 86-805 or (b) failure to file financial reports as required by subdivision (2)(b) of section 86-807 and as prescribed by commission rules and regulations. Each day during which the violation continues constitutes a separate offense.

(3) When any person, motor carrier, regulated motor carrier, common carrier, or contract carrier is accused of any violation listed in subsection (1) of this section or when any person, firm, partnership, corporation, cooperative, or association is accused of any violation listed in subsection (2) of this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule, regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

Sec. 19. Any hearing held pursuant to section 18 of this act shall be held pursuant to rules and regulations adopted and promulgated by the commission. Every decision and order rendered by the commission after the hearing is held shall be in writing and accompanied by findings of facts and conclusions of law. The decision or order shall be sent to the parties by certified or registered mail.

Sec. 20. A civil penalty assessed pursuant to section 18 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of Lancaster County. Any civil penalty collected shall be transmitted within thirty days from receipt to the State Treasurer for credit to the permanent school fund.

Sec. 25. Section 75-304, Revised Statutes Supplement, 1994, is amended to read:

75-304. The commission may establish such just and reasonable classifications of groups of carriers, included in the terms common carrier and contract carrier, as the special nature of the services performed by such carriers require and adopt and promulgate such just and reasonable rules, regulations, and requirements, to be observed by the carrier so classified or grouped, as the commission deems necessary or desirable in the public interest and as are consistent with the provisions of sections 75-301 to ~~75-322.04~~ 75-322. All certificates and permits issued by the commission shall be construed and interpreted, and the operations authorized thereunder shall be tested and determined, in accordance with such classification so established and any rule, regulation, or requirement prescribed by the commission relating to such carrier so classified.

Sec. 27. Section 75-305, Revised Statutes Supplement, 1994, is amended to read:

75-305. For purposes of sustaining the administration and enforcement of sections 75-301 to ~~75-322.04~~ 75-322, there is hereby fixed an application fee of seventy-five dollars payable by the applicant at the time of filing the application, except that such fee shall not apply to applications under sections 75-303.01 and 75-303.02. In addition thereto, every motor carrier subject to sections 75-301 to ~~75-322.04~~ 75-322 shall pay an annual fee not exceeding the sum of twenty-five dollars for each motor vehicle operated, which fee shall be fixed by the commission and shall not exceed the amount actually necessary to sustain the administration and enforcement of such sections. When the applicant has registered his or her motor vehicles under section 60-305.09, such fee of twenty-five dollars shall be payable on whichever shall be the lesser of (1) the proportion of his or her fleet so registered or (2) the number of motor vehicles owned by him or her and actually used in intrastate business within this state, except that such annual fee for any truck-trailer or tractor-trailer combination shall be forty dollars. In the case of a truck-trailer or tractor-trailer combination, only one license plate shall be required for such combination. Such annual fees shall be due and payable on or before January 1 and shall be delinquent on March 1 of each year after such permit or certificate has been issued. If the initial certificate or permit is issued to a motor carrier on or after July 1, the fee shall be fifty percent of the annual fee. Such fees shall be paid to and collected by the commission and remitted to the State Treasurer within thirty days of receipt for credit to the General Fund.

Sec. 28. Section 75-306, Revised Statutes Supplement, 1994, is amended to read:

75-306. Receipt for the payment of annual fees shall be issued by the commission. The commission shall issue sufficient license plates and renewal tabs to any motor carrier who is in compliance with sections 75-301 to ~~75-322.04~~ 75-322 and the rules and regulations of the commission, except contract carriers operating pursuant to section 75-303.01, for the purpose of identification of motor carriers subject to such sections and to distinguish those motor carriers from other commercial motor carriers not subject to such sections. The Director of Motor Vehicles shall prepare a form of license plate and renewal tab for such motor carriers and furnish a sufficient supply of them to the commission.

Sec. 46. Section 75-358, Reissue Revised Statutes of Nebraska, is amended to read:

75-358. Any person, private carrier, common carrier, or contract carrier operating any motor vehicle in violation of any provision of sections 75-348 to 75-358, any rule, regulation, or order of the commission, or any term or condition of any registration shall be guilty of a Class IV misdemeanor and shall also be subject to the provisions of sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act. Each day of such violation shall constitute a separate offense.

Sec. 52. The Revisor of Statutes shall assign sections 18 to 20 of this act to Chapter 75, article 1.".

2. On page 21, line 9, strike "sections", show as stricken, and insert "section"; and in line 10 strike "75-322.02 to 75-322.04", show as stricken, and insert "sections 18 to 20 of this act".

3. On page 26, line 7; page 30, line 27; page 34, line 28; page 41, line 8; page 42, line 25; page 44, line 2; and page 51, line 14, strike "75-322.04", show as stricken, and insert "75-322".

4. On page 38, line 5, strike "75-322.04" and insert "75-322".

5. On page 39, line 2, strike "79-322.02" and insert "18 of this act".

6. On page 51, line 22, strike "interstate" and insert "intrastate".

7. On page 55, line 8, strike "75-322.02" and insert "75-358"; in line 10 after the second comma insert "75-128,", after the fourth comma insert "75-136, 75-136.01,", and after the last comma insert "75-304,"; in line 11 after the first comma insert "75-305, 75-306,"; and in line 15 strike "and" and after the last comma insert "and 75-322.02 to 75-322.04,".

8. In the E & R amendments, AM7071, on page 1, line 5, strike "75-322.04" and insert "75-322".

9. Renumber the remaining sections and correct internal references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Considered.

Mrs. Witek offered the following amendment:
AM1128
(Amendments to Standing Committee amendment, AM0175)
1 1. On page 3, line 26, after the period insert
2 "Delegates sent by this state shall not be authorized to propose or
3 approve of an amendment to the Constitution of the United States
4 which would allow two-thirds of the state legislatures to nullify
5 an unpopular federal law.".

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Witek pending amendment:
FA84
In Witek amendment (AM1128)
In line 5, strike "an unpopular" and insert "any".

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE RESOLUTION 41CA. Placed on General File.

LEGISLATIVE BILL 319. Placed on General File.
LEGISLATIVE BILL 410. Placed on General File.
LEGISLATIVE BILL 696. Placed on General File.

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendment to LB 321:
AM0312
1. On page 3, line 24, after the comma insert "vehicles registered pursuant to section 60-305.09,".

2. On page 5, line 26, after the comma insert "except those trucks registered under section 60-305.09, and on farm trucks with a gross weight of over sixteen tons,".

3. On page 6, line 8, strike "and" and insert an underscored comma and after the comma insert "and vehicles registered pursuant to section 60-305.09,".

LEGISLATIVE BILL 459. Placed on General File as amended.
Standing Committee amendment to LB 459:
AM1001

1. On page 2, line 14, after the period insert "Snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be exempt from affixing registration decals to the snowmobile but are required to carry a valid registration decal with the snowmobile at all times."; in line 25 strike "one year", show as stricken, and insert "two years"; in lines 26 and 27 strike "first day of the month one year from the month", show as stricken, and insert "last day of September two years from the year".

2. On page 3, line 1, strike "annually", show as stricken, and insert "every two years".

LEGISLATIVE BILL 595. Placed on General File as amended.
Standing Committee amendment to LB 595:
AM1003

1. On page 2, line 12, strike "does" and insert "shall"; in line 16 strike beginning with the first comma through the second comma; in line 17 after the period insert "The form of notification shall be transmitted using a form prescribed by the director in consultation with the State Court Administrator."; strike beginning with the second "of" in line 20 through "restriction" in line 21; in line 23 strike "six-months" and insert "six months"; in line 26 strike "must" and insert "shall"; and in line 27 strike "must" and insert "may".

2. On page 3, line 1, after "employment" insert "or in the course of employment"; and after line 6 insert the following new paragraph:

"When a juvenile court suspends or restricts an operator's license pursuant to this section, the director shall keep such records confidential. Such records shall not be subject to public disclosure other than to a court, a prosecutor, a law enforcement agency, or the minor whose operating privileges have been suspended or restricted or his or her parent or guardian. Persons or agencies entitled to receive this information shall not disclose the information to other persons or agencies.".

LEGISLATIVE BILL 111. Indefinitely postponed.
LEGISLATIVE BILL 409. Indefinitely postponed.
LEGISLATIVE BILL 686. Indefinitely postponed.

LEGISLATIVE BILL 751. Indefinitely postponed.
LEGISLATIVE BILL 769. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Education

LEGISLATIVE BILL 604. Placed on General File as amended.
Standing Committee amendment to LB 604:
AM0323

1. Insert the following new sections:

"Section 1. Section 79-101.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-101.01. (1) For purposes of statutes governing schools:

(a) Affiliated school system shall mean the high school district and the Class I districts or portions of Class I districts affiliated with such high school district;

(b) Affiliation or affiliation of school districts shall mean an ongoing association of a Class I district or portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts for the purpose of (i) providing a high school program serving the Class I district students and (ii) maintaining tax support to finance such program. The services provided may include student transportation; and

(c) Class VI school system shall mean a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.

(2) Beginning January 1, 1992, any school district boundaries changed by the means provided by Nebraska law, including the methods provided by sections 79-102.01, 79-102.02, 79-402, 79-402.03 to 79-402.10, 79-402.17, 79-402.19, 79-402.20, 79-403 to 79-403.03, 79-406, 79-407, 79-408, 79-408.01 to 79-408.03, 79-409, 79-420, 79-421, 79-426.01 to 79-426.19, 79-426.23 to 79-426.26, 79-426.28, 79-480 to 79-482, 79-486, 79-512, 79-533, 79-603, 79-701, 79-1107, and 79-1108 but excluding the method provided by sections 79-801 to 79-810.01, shall be made only upon an order issued by the county superintendent. If the boundaries so changed are in more than one county, such order shall be issued jointly by the county superintendents of all counties involved. The county superintendent or county superintendents shall not issue an order changing boundaries relating to affiliation of school districts if twenty percent or more of any tract of land under common ownership which is proposing to affiliate is not contiguous to the high school district with which affiliation is proposed, unless (i) one or more resident students of the tract of land under common ownership has attended the high school program of the high school district within the immediately preceding ten-year period or (ii) approval of the petition or plan would allow preschool-age siblings

of such resident students to attend the same school as the resident students attended when such siblings reach school age.

The order issued under this section shall be certified to the county clerk of each county in which boundaries are changed and shall also be certified to the State Department of Education. Such order shall be issued no later than June 1 and shall have an effective date no later than August 1 of the same year. For purposes of the school district boundary map provided by the county superintendent pursuant to section 23-3306, determining school district counts pursuant to section 79-458, and calculating state aid allocations pursuant to the Tax Equity and Educational Opportunities Support Act, any change in school district boundaries with an effective date between June 1 and August 1 of any year shall be considered effective June 1 of such year.

(3) Unless otherwise provided by state law or by the terms of an affiliation or reorganization plan or petition which is consistent with state law, all assets, including budget authority as provided in sections 79-3814 to 79-3821, and liabilities, except bonded obligations, of school districts merged, dissolved, or annexed shall be transferred to the receiving district or districts on the basis of the proportionate share of assessed valuation received at the time of reorganization. When a Class II, III, IV, or V school district becomes a Class I school district:

(a) Which becomes part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

(b) Which is affiliated or becomes part of a Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the Class II, III, IV, or V school district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part and to the high school district or districts with which the Class I district is affiliated on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district.

Sec. 2. Section 79-402, Reissue Revised Statutes of Nebraska, is amended to read:

79-402. (1) The county superintendent shall create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by sixty percent of the legal voters of each district affected, except that petitions shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization or, in the case of affiliation, if the petition has been disapproved by the county committee pursuant to sections 79-402.14 and 79-402.15. When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

(2) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of land between Class I, II, III, IV, or V school districts or when there would be an exchange of parcels of land between Class I, II, III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each school board or board of education. The county superintendent shall not change boundaries pursuant to this section relating to affiliation of school districts if twenty percent or more of any tract of land under common ownership which is proposing to affiliate is not contiguous to the high school district with which affiliation is proposed, unless (i) one or more resident students of the tract of land under common ownership has attended the high school program of the high school district within the immediately preceding ten-year period or (ii) approval of the petition or plan would allow preschool-age siblings of such resident students to attend the same school as the resident students attended when such siblings reach school age.

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the county committee shall review the proposed affiliation subject to sections 79-402.14 and 79-402.15. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the proposal.

(c) The county committee shall, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition or a petition to affiliate in part and in part to join a Class VI district, advertise and hold a public hearing at which the recommendations and action of the state and county committees are presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.

Sec. 5. Section 79-701, Reissue Revised Statutes of Nebraska, is amended to read:

79-701. (1) A Class II school district shall be created whenever a Class I school district determines by a majority vote of the qualified voters at an annual or special meeting to establish a high school.

The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election. The Class II school district board shall be elected pursuant to section 32-542.

(2)(a) If a Class II school district, by a vote of fifty-five percent of the qualified voters voting at an annual or special meeting, decides to discontinue and close the high school,

~~and close the same,~~ the school district shall ~~thereupon become a~~ becomes an affiliated Class I school district on the date designated by such voters. Affiliation shall be accomplished pursuant to sections 79-402 to 79-402.16. At such meeting a decision shall be made as to when the new school board shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children who are five through twenty years of age. The school board of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

(b) If the new school board is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for terms of three years each. All officers so elected shall hold their offices until successors are elected and qualified. After such change becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

(c) If the new school board is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in section 32-541 or as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual school meeting or at a special school meeting called for the purpose of electing school district officers.

(3) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine through twelve. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.".

2. On page 9, line 12, after "sections" insert "79-101.01, 79-402," and after the last comma insert "79-701,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 676. Placed on General File as amended. (Standing Committee amendment, AM1079, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 716. Placed on General File as amended.
Standing Committee amendment to LB 716:
AM1080

1. On page 20, line 20, strike "certify", show as stricken, and insert "verify"; in line 22 strike "and", show as stricken, and insert an underscored comma; and in line 23 after "land" insert ", and the school district identification number pursuant to subdivision (2)(b) of section 77-27,119 of each school district, Class VI school system, and affiliated school system for each parcel of such school land".

LEGISLATIVE BILL 845. Placed on General File as amended.
Standing Committee amendment to LB 845:
AM1078

1. On page 2, lines 5 and 6, strike the new matter and reinstate the stricken matter; and in line 8 after "funds" insert "or in lieu of such examination in a Class I school district the board of education may authorize the Auditor of Public Accounts to make such examination".
2. On page 4, strike the new matter.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment, AM1118, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Dierks asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment, AM1122, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 16. The Witek pending amendment, AM1128, as amended, found in this day's Journal, was renewed.

Mrs. Witek moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Kristensen requested a roll call vote, in reverse order, on the Witek amendment, as amended.

Voting in the affirmative, 15:

Avery
Bernard-Stevens
Chambers
Cudaback
Dierks
Jensen
Jones
Matzke
Pedersen
Pirsch
Preister
Robinson
Schmitt
Wesely
Witek

Voting in the negative, 18:

Beutler
Bohlke
Bromm
Brown
Crosby
Day
Fisher
Hartnett
Hillman
Janssen
Kristensen
Lindsay
Lynch
Robak
Warner
Wickersham
Will
Withem

Present and not voting, 8:

Brashear
Hudkins
Maurstad
McKenzie
Schrock
Stuhr
Vrtiska
Wehrbein

Absent and not voting, 2:

Engel
Hall

Excused and not voting, 6:

Abboud
Coordsen
Elmer
Landis
Schellpeper
Schimek

The Witek amendment, as amended, lost with 15 ayes, 18 nays, 8 present and not voting, 2 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Witek offered the following amendment:
AM1129

(Amendments to Standing Committee amendments, AM0175)

1. On page 3, line 26, after the period insert "Delegates sent by this state shall not be authorized to propose or approve an amendment to Article V of the Constitution of the United States which would allow three-fourths of the state legislatures to amend the Constitution of the United States without approval of the United States Congress.".

Mrs. Witek moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the Witek amendment.

Mr. Kristensen requested the roll call vote be taken in reverse order.

Voting in the affirmative, 17:

Avery
Chambers
Cudaback
Dierks
Jensen
Jones
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Witek

Voting in the negative, 18:

Bernard-Stevens
Bohlke
Brown
Day
Fisher
Hall
Hartnett
Hillman
Janssen
Kristensen
Lindsay
Lynch
McKenzie
Robak
Warner
Wickersham
Will
Withem

Present and not voting, 8:

Brashear
Bromm
Crosby
Engel
Hudkins
Matzke
Maurstad
Schrock

Absent and not voting, 1:

Beutler

Excused and not voting, 5:

Abboud
Coordsen
Elmer
Landis
Schimek

The Witek amendment lost with 17 ayes, 18 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 386.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM1147

(Amendments to Standing Committee amendments, AM0439)

1. Insert the following new section:

"Sec. 7. The Department of Agriculture shall establish and maintain the Domesticated Cervine Animal Registry which shall monitor the location, kind, and number of domesticated cervine animals as defined in section 54-701.03 which are kept or reared within the state. A registration required under the registry shall state (1) the name, residence, and place of business of the owner, (2) the legal description of the land on which such animals are kept or reared, and (3) the kind and approximate number of animals to be kept or reared on such land. The registration shall be completed by December 31 of each year and within thirty days after any change in ownership or location of the domesticated cervine animals. Failure to comply with this section is a Class IV misdemeanor.".

2. On page 2, lines 26 and 27, strike the new matter.

3. On page 3, line 1, strike the new matter; and in line 2 after the period insert "Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 7 of this act.".

4. On page 6, line 4, before "It" insert "(1)"; strike beginning with "not" in line 7 through "include" in line 8 and insert "including"; in line 9 after "hearing" insert "and consultation with the Department of Agriculture"; in line 17 strike "section", show as stricken, and insert "subsection"; and after line 18 insert the following new subsection:

"(2) Following public hearing and consultation with the Department of Agriculture, the commission may, by rule and regulation, regulate or limit the importation and possession of any wild vertebrate animal, including a domesticated cervine animal as defined in section 54-701.03, which is found to constitute a serious threat to economic or ecologic conditions.".

5. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LR 6CA in the Journal. No objections. So ordered.

AM1146

(Amendments to Standing Committee amendments, AM0475)

1. On page 1, line 4, strike "7" and insert "9"; and strike lines 6 through 24 and insert the following:

"XVIII-1 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

XVIII-2 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'

XVIII-3 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall not be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-4 'The provisions of Article XVIII, sections 1 through 3, of this Constitution terminate on January 1, 1999, but are applicable to initiative and referendum measures filed with the Secretary of State before such date.'

XVIII-5 'The Legislature wishes to provide an alternative procedure for initiative and referendum measures in Article XVIII, sections 6 through 8, of this Constitution that provides different requirements when volunteer uncompensated circulators are utilized. The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 6 through 8, of this Constitution and wants to provide time for court review. The Legislature therefore has delayed the operative date of Article XVIII, sections 6 through 8, of this Constitution. If Article XVIII, sections 6 through 8, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 1 through 3, of this Constitution shall not terminate and shall continue in effect.

To facilitate court review of Article XVIII, sections 6 through 8, of this Constitution, any citizen of the State has standing in any district court of the state to seek a declaratory judgment prior to the operative date of such sections.'

XVIII-6 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition has been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-7 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-8 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-9 'Except as provided in Article XVIII, section 5, of this Constitution, the provisions of Article XVIII, sections 6 through 8, of this Constitution become operative on January 1, 1999, and apply to initiative and referendum measures filed with the Secretary of State on or after such date.'.".

2. Strike pages 2 through 8.

3. On page 9, strike lines 1 and 2; and strike beginning with "an" in line 10 through "unconstitutional" in line 13 and insert "a separate alternative system for initiative and referendum measures that changes the number of signatures needed when volunteer uncompensated circulators are utilized".

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 838. Placed on General File as amended.
Standing Committee amendment to LB 838:
AM1127

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Health Care Purchasing Pool Act.

Sec. 2. The Legislature recognizes that a pooling mechanism offers the potential to purchase health care at more affordable prices. The Legislature further recognizes that health care purchasing pools do not require that all groups have the same type of health care coverage or benefits and that many options are available.

It is the intent of the Legislature to establish a process to determine whether there should be a coordinated purchasing process for some or all publicly sponsored health care coverage in order to reduce costs and to promote the most efficient methods of financing and coordinating health care services. It is also the intent of the Legislature that the process established also determines whether a health care purchasing pool if established should be made available to individuals, small employer groups, and other associations.

Sec. 3. The Director of Health shall report to the Legislature and the Governor by December 1, 1995, as to whether a health care purchasing pool should be established and recommendations concerning who should be included in such a pool. The report should include recommendations for a governing structure for the pool and recommendations concerning the operation and management of the pool.

Sec. 4. The report of the Director of Health under section 3 of this act shall also include:

(1) The benefits of consolidating administrative functions on behalf of participants in the pool, including claims processing, utilization review, management reports, and benefit management;

(2) An evaluation of potential cost savings;

(3) A recommendation as to whether to place the medical and acute care components of the medical assistance program established under sections 68-1018 to 68-1025 or persons currently participating in the Comprehensive Health Insurance Pool into a health care purchasing pool. The recommendation shall include whether the health care purchasing pool should be available to individuals, small employers, or associations who may choose to participate in the pool;

(4) Other recommendations regarding purchasing strategies and techniques for efficient administration that have potential application to all state-purchased health services; and

(5) Recommendations to insure access to quality care, including assuring reasonable access to local providers, especially for persons residing in rural areas.".

LEGISLATIVE BILL 102. Indefinitely postponed.
LEGISLATIVE BILL 565. Indefinitely postponed.
LEGISLATIVE BILL 632. Indefinitely postponed.
LEGISLATIVE BILL 773. Indefinitely postponed.
LEGISLATIVE BILL 816. Indefinitely postponed.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Lee Jones - Nebraska Research and Development Authority
Clifford Williams - Nebraska Research and Development Authority

VOTE: Aye: Senators Landis, Fisher, Bromm, Jensen, Lindsay, Robak, Wesely, and Witek. Nay: None. Absent: None.

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 16. Mr. Withem offered the following amendment:
AM1154

1. In the Kristensen amendment, AM0835, on page 2, line 5, after "Conference" insert "; and

WHEREAS, despite the fact that many states have experienced frustrations with the relationship that currently exists between the federal government and the states, the current configuration of the Constitution of the United States has served the Republic well for over two hundred years and any attempts to formally amend the constitutional relationship between the states and the federal government should only occur after careful consideration and a strong consensus has been established".

2. In the Standing Committee amendment, AM0175, on page 4, line 22, after the first period insert the following new subsection:

"(8) The Nebraska Legislature supports a provision within the rules governing the deliberations of The Conference of the States requiring that for any proposed changes to the United States Constitution to be included within the action plan there must be a separate vote on that measure, that a proposed constitutional amendment must receive at least a two-thirds affirmative vote of those states attending the conference, and that those states supporting a proposed constitutional amendment must represent at least a majority of all states making up the United States of America. The Nebraska delegation shall support this provision and shall provide this information to the steering committee for consideration in their drafting of the structure and procedural rules of The Conference of the States.".

Messrs. Will and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Wehrbein moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA85

Add new section:

"The membership of the Nebraska Legislature in the Conference of the States, Inc. shall terminate 120 days after the date of adjournment of the Conference of the States convened in 1995."

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mr. Withem offered the following amendment to the Chambers pending amendment:
FA86

Amend the Chambers amendment strike "date of adjournment of the Conference of the States convened in 1995." and add "after the presentation of the States Petition to Congress."

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem withdrew his amendment.

Messrs. Bromm and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Avery
Bernard-Stevens
Beutler
Chambers
Coordsen
Dierks
Engel
Jensen
Pirsch
Preister
Wesely
Witek

Voting in the negative, 19:

Bohlke
Brown
Crosby
Day
Fisher
Hall
Hillman
Janssen
Kristensen
Lindsay
Lynch
Matzke
McKenzie
Robak
Schrock
Stuhr
Warner
Wehrbein
Withem

Present and not voting, 6:

Brashear
Cudaback
Hartnett
Hudkins
Maurstad
Robinson

Excused and not voting, 12:

Abboud
Bromm
Elmer
Jones
Landis
Pedersen
Schellpeper
Schimek
Schmitt
Vrtiska
Wickersham
Will

The Chambers amendment lost with 12 ayes, 19 nays, 6 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LR 16.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wehrbein and Coordsen asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone LR 16.

Voting in the affirmative, 7:

Chambers
Dierks
Jensen
Jones
Pirsch
Preister
Witek

Voting in the negative, 28:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Day
Engel
Fisher
Hall
Hartnett
Hillman
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Robak
Schrock
Stuhr
Warner
Wesely
Wickersham
Withem

Present and not voting, 1:

Cudaback

Excused and not voting, 13:

Abboud
Avery
Coordsen
Elmer
Hudkins
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Vrtiska
Wehrbein
Will

The Chambers motion to indefinitely postpone lost with 7 ayes, 28 nays, 1 present and not voting, and 13 excused and not voting.

Mr. Chambers requested that a majority of the elected members be required for the adoption of LR 16, pursuant to Rule 4, Section 5.

Mr. Chambers requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 29:

Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Crosby
Cudaback
Day
Engel
Fisher
Hall
Hartnett
Hillman
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Robak
Schrock
Stuhr
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Chambers
Dierks
Jensen
Jones
Pirsch
Preister
Witek

Present and not voting, 1:

Brashear

Excused and not voting, 12:

Abboud
Avery
Coordsen
Elmer
Hudkins
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Vrtiska
Wehrbein

LR 16 was adopted with 29 ayes, 7 nays, 1 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Bernard-Stevens, Wehrbein, Withem, and Mrs. McKenzie asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM1166

(Amendments to AM1076)

1. On page 1, line 15, after the period insert "The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.".

2. On page 3, line 25, before "The" insert "(1)"; and in line 27 strike beginning with the second "the" through the second "following".

3. On page 4, strike beginning with "amounts" in line 1 through "of" in line 2; in line 3 strike the semicolon and insert an underscored period; in line 4 after "(2)" insert "It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following fiscal years:
(a)"; in line 6, strike "(3)" and insert "(b)"; and in line 7 strike "(4)" and inert "(c)".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 377A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

VISITORS

Visitors to the Chamber were 32 fourth grade students and teachers from Christian Academy, Omaha; and Mayor Tom Thomas from Orleans.

The Doctor of the Day was Dan DeFreece from Lincoln.

ADJOURNMENT

At 6:25 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-NINTH DAY - MARCH 23, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Lindley Jacobsen, Prince of Peace Lutheran Church, LaVista, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen and Ms. Schimek who were excused; and Messrs. Abboud, Bromm, Chambers, Coordsen, Cudaback, Hall, Lindsay, Pedersen, Robinson, Schrock, Warner, Wickersham, Will, Mmes. Bohlke, Hudkins, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 80. Introduced by Maurstad, 30.

WHEREAS, libraries preserve the heritage of all humankind; and

WHEREAS, libraries enable people to educate themselves; and

WHEREAS, libraries are essential for citizens' access to information in a democracy; and

WHEREAS, libraries are recognized for their many accomplishments during National Library Week; and

WHEREAS, libraries in Nebraska have worked cooperatively for a century through the Nebraska Library Association; and

WHEREAS, the contribution of the Nebraska Library Association to this state is recognized in their Centennial theme "Sowing Ideas Across Nebraska".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of April 9 to April 15, 1995, be declared National Library Week.
2. That the Nebraska Library Association be congratulated on its one-hundredth birthday.
3. That a copy of this resolution be sent to the Nebraska Library Association.

Laid over.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1037: Gary Goldberg and Pat Hillebrandt - Nebraska Ethanol Board.

Voting in the affirmative, 25:

Avery
Bernard-Stevens
Beutler
Brashear
Brown
Crosby
Dierks
Engel
Hartnett
Hillman
Janssen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Elmer
Fisher
Jensen
Schellpeper
Witek

Excused and not voting, 19:

Abboud
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Day
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Robinson
Schimek
Schrock
Warner
Wickersham
Will

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 1065: Janel Foote - State Board of Health.

Voting in the affirmative, 25:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Coordsen
Crosby
Day
Dierks
Engel
Hartnett
Janssen
Jones
Landis
Lynch
Matzke
Maurstad
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Withem

Voting in the negative, 0.

Present and not voting, 10:

Avery
Elmer
Fisher
Hillman
Jensen
McKenzie
Pirsch
Schellpeper
Wesely
Witek

Excused and not voting, 14:

Abboud
Bohlke
Bromm
Cudaback
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

The appointment was confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Coordsen moved the adoption of the report of the Revenue Committee for the following Governor appointments found in the Journal on page 1085: Jack Ostergard, Robert J. Broomfield, and Mona Moje - Agricultural Land Valuation Advisory Board.

Voting in the affirmative, 26:

Bernard-Stevens
Beutler
Brashear
Brown
Coordsen
Crosby
Dierks
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Landis
Maurstad
McKenzie
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 9:

Avery
Chambers
Day
Elmer
Fisher
Lynch
Matzke
Pirsch
Schellpeper

Excused and not voting, 14:

Abboud
Bohlke
Bromm
Cudaback
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

These appointments were confirmed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1086: Larry Schnase - Power Review Board.

Voting in the affirmative, 29:

Avery
Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Preister
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Fisher
Janssen
Landis
Pirsch
Robinson
Schellpeper

Excused and not voting, 14:

Abboud
Bohlke
Bromm
Cudaback
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

The appointment was confirmed with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1086: F. Gregory Hayden, Ph.D. and Craig Zeisler - Central Interstate Low-Level Radioactive Waste Commission.

Voting in the affirmative, 32:

Avery
Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Coordsen
Crosby
Day
Dierks
Engel
Hartnett
Hillman
Janssen

Jensen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Elmer
Fisher
Schellpeper

Excused and not voting, 14:

Abboud
Bohlke
Bromm
Cudaback
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

These appointments were confirmed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 1145: Bob Lange - Nebraska Department of Insurance.

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Bohlke
Brown
Coordsen
Crosby
Day
Elmer
Engel
Hartnett
Hillman
Janssen
Jones
Landis
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 8:

Beutler
Brashear
Chambers
Dierks
Fisher
Jensen
Lynch
Schellpeper

Excused and not voting, 13:

Abboud
Bromm
Cudaback
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

The appointment was confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 1146: John Woollam - Research and Development Authority.

Voting in the affirmative, 30:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Landis
Matzke
Maurstad
McKenzie
Pirsch
Preister
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 2:

Lynch
Robinson

Present and not voting, 5:

Chambers
Coordsen
Dierks
Fisher
Schellpeper

Excused and not voting, 12:

Abboud
Bromm
Hall
Hudkins
Kristensen
Lindsay
Pedersen
Robak
Schimek
Warner
Wickersham
Will

The appointment was confirmed with 30 ayes, 2 nays, 5 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 168. Mr. Jones asked unanimous consent to bracket to Monday, March 27, 1995. No objections. So ordered.

LEGISLATIVE BILL 425. Title read. Considered.

Standing Committee amendment, AM0185, found in the Journal on page 582, was considered.

Mr. Bernard-Stevens renewed his pending amendment, AM0705, found in the Journal on page 948, to the Standing Committee amendment.

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM0704, found in the Journal on page 948, to the Standing Committee amendment.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1075, found in the Journal on page 1211, to the Standing Committee amendment.

The Wesely amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 425.

Mr. Bernard-Stevens moved to bracket LB 425 to Monday, April 3, 1995.

Mrs. Bohlke and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Janssen moved the previous question. The question is, "Shall the debate now close?"

Mr. Janssen moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Avery
Beutler
Bohlke
Crosby
Day
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 3:

Brashear
Chambers
Cudaback

Present and not voting, 13:

Bernard-Stevens
Bromm
Brown
Coordsen
Dierks
Elmer
Hall
Hartnett
Robak
Schellpeper
Schmitt
Schrock
Wickersham

Absent and not voting, 1:

Landis

Excused and not voting, 4:

Abboud
Jones
Kristensen
Schimek

The motion to cease debate prevailed with 28 ayes, 3 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

MR. HALL PRESIDING

Mr. Chambers requested a record vote on the Bernard-Stevens motion to bracket LB 425.

Voting in the affirmative, 26:

Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Cudaback
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Matzke
Pedersen
Pirsch
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 15:

Bohlke
Crosby
Day
Dierks
Hartnett
Hillman
Landis
Lindsay
Lynch
Maurstad
McKenzie
Robak
Warner
Witek
Withem

Present and not voting, 4:

Brashear
Chambers
Hall
Robinson

Excused and not voting, 4:

Abboud
Jones
Kristensen
Schimek

The Bernard-Stevens motion to bracket prevailed with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 189. Mr. Beutler withdrew his amendment, AM0937, found in the Journal on page 1119.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Standing Committee amendment, AM0829, found in the Journal on page 1028, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 548. No objections. So ordered.

CORRECTED STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 789. Placed on General File as amended.
Standing Committee amendment to LB 789:
AM0868

1. Strike the original sections and insert the following new sections:

"Section 1. Section 84-712.05, Reissue Revised Statutes of Nebraska, is amended to read:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and

deaths and except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;

(6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities and except as provided in sections 43-512.06 and 70-101, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature. The lawful custodian of such correspondence, memoranda, and records of telephone calls, whether created prior to, on, or after April 2, 1993, upon approval of the Executive Board of the Legislative Council, shall release such correspondence, memoranda, and records of telephone calls which are not designated as sensitive or confidential in nature pursuant to subsection (3) of section 81-1120.27 to the person the Executive

Board of the Legislative Council has contracted with pursuant to section 50-401.04. A member's correspondence, memoranda, and records of telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

(12) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect such site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; ~~and~~

(13) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act; and

(14) Job application materials submitted by applicants, other than finalists, who have applied for employment by any public body as defined in section 84-1409. For purposes of this subdivision, job application materials means employment applications, resumes, reference letters, and school transcripts; and finalist means any applicant who is offered and who accepts an interview for any public employment position.

Sec. 2. Original section 84-712.05, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) C. N. "Bud" Robinson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1156

1. On page 2, strike beginning with the first "and" in line 6 through the underscored period in line 19 and insert "the salary of the Chief Justice and the judges of the Supreme Court shall be eighty-six thousand thirty-one dollars. On July 1, 1996, the salary of the Chief Justice and the judges of the Supreme Court shall be eighty-six thousand four hundred forty-nine dollars.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 712A. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 712, Ninety-fourth Legislature, First Session, 1995.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 16.

(Signed) David I. Maurstad, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 16. Introduced by Kristensen, 37; Withem, 14; Abboud, 12.

WHEREAS, the United States Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all non-delegated and non-prohibited powers to the States or to the people; and

WHEREAS, the number of federal unfunded mandates has grown exponentially during the last thirty years and has profoundly impacted State budgets, impinging on the ability of State leaders to provide appropriate and needed services to their constituencies; and

WHEREAS, in recent years, States have been the principal agents of government reform, including updating their constitutions, modernizing and restructuring governmental institutions, and, along with Local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

WHEREAS, the Council of State Governments recognizes a sense of urgency in calling for The Conference of the States, whereby each State government could send a delegation to develop a comprehensive Action Plan to address the States' role in our Federal system; and

WHEREAS, the aforementioned experience of the Council of State Governments, in conjunction with its regional structure and groupings of elected and appointed officials from all three branches of State government, reflects an entity ideally suited to promote and facilitate such a conference; and

WHEREAS, despite the fact that many states have experienced frustrations with the relationship that currently exists between the federal government and the states, the current configuration of the

Constitution of the United States has served the Republic well for over two hundred years and any attempts to formally amend the constitutional relationship between the states and the federal government should only occur after careful consideration and a strong consensus has been established.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

(1) A delegation not to exceed seven voting persons from the State of Nebraska, shall be appointed to represent the State of Nebraska at a Conference of the States for the purposes described in Section (2) to be convened as provided in Section (3). The delegation shall not exceed seven voting persons as follows: (a) The governor or, if the governor does not wish to be a member of the delegation then a constitutional officer selected by the governor; and (b) a number of legislators not to exceed six of which at least three shall be from each major political party, except that the balance of delegates between the major political parties shall be as even as possible in the event that one or more independents are chosen as delegates. The delegates shall be selected by the Speaker of the Legislature and approved by the Executive Board of the Legislative Council. The Speaker may designate two alternate legislator delegates, one from each party, who have voting privileges in the absence of the primary delegates. The Nebraska delegation chosen pursuant to this resolution shall present to the Executive Board of the Legislative Council prior to participation in The Conference of the States, for the review and suggestions of the Executive Board, the most current draft of the proposed Conference rules of procedure and bylaws including any proposed articles of incorporation or proposed bylaws of any nonprofit corporation to be authorized by such Conference, if available. The Executive Board may further instruct the Nebraska delegates with respect to conditions for participation and such instructions shall be binding.

(2) The delegates of The Conference of the States will propose, debate, and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for approval by the entire Legislature. No vote of this state's delegation on an action plan shall be authorization by this state to forward the States' Petition to the national government until the Legislature has approved such vote.

(3) The Conference of the States shall be convened under the nonprofit status, section 501(c)(3) of the Internal Revenue Code, of the Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy days after at least twenty-six legislatures adopt a resolution of participation.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

(a) The governance structure and procedural rules for the Conference;

(b) The process for receiving rebalancing proposals; and

(c) The financial and administrative functions of the Conference, including the Council of State Governments as fiscal agent.

(5) The bylaws shall:

(a) Conform to the provisions of this resolution;

(b) Specify that each state delegation shall have one vote at the Conference; and

(c) Specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) Upon the official convening of The Conference of the States, the State delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.

(7) Adoption of this resolution does not constitute an application by the Legislature of Nebraska for the calling of a federal constitutional convention within the meaning of Article V of the Constitution of the United States.

(8) The Nebraska Legislature supports a provision within the rules governing the deliberations of The Conference of the States requiring that for any proposed changes to the United States Constitution to be included within the action plan there must be a separate vote on that measure, that a proposed constitutional amendment must receive at least a two-thirds affirmative vote of those states attending the Conference, and that those states supporting a proposed constitutional amendment must represent at least a majority of all states making up the United States of America. The Nebraska delegation shall support this provision and shall provide this information to the steering committee for consideration in their drafting of the structure and procedural rules of The Conference of the States.

VISITORS

Visitors to the Chamber were 15 fifth grade students and sponsor from Seward Area Christian School; Arlene Steier, Diane and Fred Pollack, and Kelly Hoskinson from Omaha; 19 seniors and teacher from Clarkson; 25 third and fourth grade students and teacher from St. Paul's Lutheran School, Utica; and 14 third through fifth grade students and teacher from Holstein.

RECESS

At 12:02 p.m., on a motion by Mr. Robinson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Hall presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen, Ms. Schimek, and Mrs. Witek who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Dierks, Landis, Lindsay, Pedersen, Warner, Will, Mmes. Brown, McKenzie, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 860. Considered.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

Standing Committee amendment, AM0892, printed separately from the Journal and referred to on page 1060, lost with 0 ayes, 26 nays, 10 present and not voting, and 13 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM1064

1. Insert the following new sections:

"Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, line 18, before each occurrence of "year" insert "fiscal" and strike "a" and insert "all data sources reflect the"; and in line 19 strike "is viewed".

3. On page 6, line 6, after the second "district" insert "involved in a consolidation and".

4. On page 13, lines 1 and 4, before each occurrence of "year" insert "fiscal"; in line 7 strike "second" through "reorganization" and insert "first fiscal year after the base fiscal year"; in line 13 strike "third" through "reorganization" and insert "second fiscal year after the base fiscal year"; in line 19 strike "fourth" through "reorganization" and insert "third fiscal year after the base fiscal year"; and in line 22 strike "incentive" and after "payments" insert "under this section".

5. Renumber the remaining section accordingly.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bohlke amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Withem withdrew his amendment, AM0967, found in the Journal on page 1105.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 548. Title read. Considered.

Standing Committee amendment, AM0884, found in the Journal on page 1080, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment:
FA87
Strike page 2 lines 6-16.

Mr. Maurstad offered the following amendment to the Bernard-Stevens pending amendment:
FA88
Amend the Bernard-Stevens amendment by reinserting on line 14 of page 2 all language after "(c)" through "32-1117" on line 16.

MR. LINDSAY PRESIDING

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad withdrew his amendment, FA88.

Mr. Bernard-Stevens withdrew his amendment, FA87.

Mr. Bernard-Stevens offered the following amendment:
AM1202

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The following sections are outright repealed: Sections 32-1601 to 32-1609 and 32-1611, Reissue Revised Statutes of Nebraska, and section 32-1610, Revised Statutes Supplement, 1994, are repealed.".

Messrs. Wehrbein, Brashear, Engel, Lynch, Maurstad, Schrock, Mmes. Hillman, Brown, and Crosby asked unanimous consent to be excused. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were four high school students and teacher from Sidney; ten eighth grade students, teacher, and sponsors from Harrison; and Dave Bargen from Kearney.

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn. The motion prevailed with 11 ayes, 7 nays, 12 present and not voting, and 19 excused and not voting, and at 4:21 p.m., the Legislature adjourned until 9:00 a.m., Friday, March 24, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTIETH DAY - MARCH 24, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 24, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Don Thursby, First Presbyterian Churches, Auburn and Humboldt, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Pedersen, Ms. Schimek, and Mrs. Witek who were excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Coordsen, Engel, Landis, Wehrbein, Will, Withem, Mmes. McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 178, 275, 275A, 300, 508, and 668.

(Signed) David I. Maurstad, Chairperson

REPORT

The following report was received by the Legislature:

Roads, Department of
  Board of Public Roads Classifications and Standards, Minutes for February 17, 1995.

COMMUNICATION

Received a copy of Senate Joint Resolution No. 279 from the Commonwealth of Virginia regarding an amendment to Article V of the Constitution of the United States providing for state-initiated amendments to the Constitution.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 399 in the Journal. No objections. So ordered.

AM1187

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 840 in the Journal. No objections. So ordered.

FA89

Sunset LB 840 by the year 2005.

Mr. Janssen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM1175

(Amendments to E & R amendments, AM7058)

1. On page 12, strike lines 17 through 22, show as stricken, and insert:

"(7) If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.".

Messrs. Lindsay and Hall asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1081

(Amendments to Standing Committee amendments, AM0903)

1. On page 1, line 2, before "Any" insert "(1)"; and in line 9 after the first period insert:

"(2) The County Revenue Assistance Act does not apply to any county with a population of one hundred thousand inhabitants or more without the approval of the county board and public defender of the county.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FA90

Add a repealer clause

"LB 830 enacted by the 94th Legislature, First Session, is hereby repealed."

Mr. Withem asked unanimous consent to print the following amendment to LB 65 in the Journal. No objections. So ordered.

AM1185

(Amendments to Final Reading copy)

1. On page 3, line 3, after the period insert "Each presidential elector shall cast his or her ballot for the presidential and vice-presidential candidate who received the highest number of votes in the statewide election for such office.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 68. Read. Considered.

LEGISLATIVE RESOLUTION 75. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 68 and 75 were adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1123: Ann O'Hara and Gretchen Peters - Nebraska Arts Council.

Voting in the affirmative, 26:

Avery
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hartnett
Hudkins
Jensen
Jones
Matzke
Maurstad
Pirsch
Preister
Robinson
Schellpeper

Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 10:

Beutler
Bohlke
Fisher
Hillman
Janssen
Lindsay
Lynch
McKenzie
Schrock
Wickersham

Excused and not voting, 13:

Abboud
Bernard-Stevens
Bromm
Coordsen
Engel
Kristensen
Landis
Pedersen
Robak
Schimek
Will
Witek
Withem

These appointments were confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1124: Jeff Renner, Frances M. Grimes, and Alfred O. Gigstad - Board of Trustees of the Nebraska State Colleges and Beverly B. Fellman, Jack J. Parks, Herb Schimek, and LaRue Wunderlich - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 31:

Avery
Bohlke
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Matzke
Maurstad
McKenzie
Pirsch
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 7:

Beutler
Fisher
Jensen
Lindsay
Lynch
Robinson
Withem

Excused and not voting, 11:

Abboud
Bernard-Stevens
Bromm
Coordsen
Kristensen
Landis
Pedersen
Robak
Schimek
Will
Witek

These appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Investment Council and Governor appointments found in the Journal on page 1153: Rex Holsapple and Marilyn L. Michel - Nebraska Investment Council and Clark G. Nichols and Joseph B. Higgins - Public Employees Retirement Board.

Voting in the affirmative, 31:

Avery
Beutler
Bohlke
Brashear
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Schellpeper
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 7:

Brown
Jensen
Jones
Pirsch
Robinson
Schrock
Withem

Excused and not voting, 11:

Abboud
Bernard-Stevens
Bromm
Coordsen
Kristensen
Landis
Pedersen
Robak
Schimek
Will
Witek

These appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved the adoption of the report of the Revenue Committee for the following Governor appointment found in the Journal on page 1170: Cliff Welsh - Nebraska Agricultural Land Valuation Advisory Board.

Voting in the affirmative, 29:

Bohlke
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
Maurstad
McKenzie
Pirsch
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Avery
Beutler
Fisher
Lindsay
Matzke
Preister
Wickersham
Withem

Excused and not voting, 12:

Abboud
Bernard-Stevens
Bromm
Coordsen
Kristensen
Landis
Pedersen
Robak
Schimek
Schmitt
Will
Witek

The appointment was confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

WITHDRAW - Amendment to LB 19

Mr. Withem withdrew his amendment, AM0997, found in the Journal on page 1126, to LB 19.

MOTION - Return LB 19 to Select File

Mr. Lindsay moved to return LB 19 to Select File for the following specific amendment:
AM1192

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. ~~In~~ Before July 1, 1996, in the third district there shall be six judges of the district court; and on and after July 1, 1996, in the third district there shall be seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, second, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. Sections 24-809.01 to 24-809.03 terminate on December 31, 1997.

Sec. 3. Section 24-810, Revised Statutes Supplement, 1994, is amended to read:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) ~~In~~ Until December 31, 1997, in the event of the

death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), and (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the Legislature. If no changes in existing law are recommended by the commission and in cases occurring on or after January 1, 1998, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge.

Regardless of whether a vacancy has occurred, the Judicial Resources Commission shall meet not less than once every two years. After the meeting and not later than December 31, 1995, the commission shall report to the Legislature two recommendations on the allocation of additional judicial resources, including whether any judicial district boundaries or the number of districts should be changed for district or county courts, and whether the number of judges should be increased, decreased, or remain the same and what reallocation of judges or redistricting of judicial district boundaries, if any, should be made. One recommendation shall be made using the assumption that no new resources or judges will be available, notwithstanding other provisions of this legislative bill. The second recommendation shall be made using the assumption that the additional district court judicial district judge provided for in section 1 of this legislative bill will be established on July 1, 1996.

(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (2) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(4) For purposes of subsection (5) of this section, the

date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) until December 31, 1997, the date of the determination by the commission that there be no change.

(5) When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(6) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(7) The judicial nominating commission may, before or after the hearing provided for in subsection (5) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(8) The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made pursuant to subsection (4) of this section of the location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

(9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.".

2. On page 1, line 1, strike "juvenile courts" and insert "judges"; and in line 2 after "Nebraska" insert ", and sections 24-301.02 and 24-810, Revised Statutes Supplement, 1994"; in line 3 after "in" insert "district court judicial districts and" and after the semicolon insert "to terminate the Judicial Resources Commission; to provide duties for the commission;"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 13, strike "One" and insert "Before July 1, 1996, one"; in line 14 after "inhabitants" insert ", and on and after July 1, 1996, two judges in such counties"; in line 18 strike "Three" and insert "Before July 1, 1997, three"; and in line 19 after "more" insert ", and on and after July 1, 1997, four judges in such counties".

4. On page 2, line 28, strike "is" and insert "and sections 24-301.02 and 24-810, Revised Statutes Supplement, 1994, are".

5. Renumber the remaining sections accordingly.

Messrs. Schrock and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 15 nays, and 27 not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay withdrew his motion to return.

Mr. Lindsay withdrew his amendment, AM1192.

Mr. Lindsay moved to return LB 19 to Select File for the following specific amendment:
AM1193

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. ~~In~~ Before July 1, 1996, in the third district there shall be six judges of the district court; and on and after July 1, 1996, in the third district there shall be seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, second, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.".

2. On page 1, line 1, strike "juvenile"; and in line 2 after "Nebraska" insert ", and section 24-301.02, Revised Statutes Supplement, 1994"; in line 3 after "in" insert "district court judicial districts and"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 13, strike "One" and insert "Before July 1, 1996, one"; in line 14 after "inhabitants" insert ", and on and after July 1, 1996, two judges in such counties"; in line 18 strike "Three" and insert "Before July 1, 1997, three"; and in line

19 after "more" insert ", and on and after July 1, 1997, four judges in such counties".

4. On page 2, line 28, strike "is" and insert "and section 24-301.02, Revised Statutes Supplement, 1994, are".

5. Renumber the remaining sections accordingly.

The Lindsay motion to return prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 19. The Lindsay specific amendment, AM1193, found in this day's Journal, was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Members Excused

Messrs. Chambers and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 175 to Select File

Messrs. Lindsay and Wesely moved to return LB 175 to Select File for the following specific amendment:
AM0446

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 69-2303, Revised Statutes Supplement, 1994, is amended to read:

69-2303. (1) When personal property remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant, ~~through eviction or otherwise,~~ the landlord shall give written notice as provided in subsection (2) of this section to such tenant and to any other person the landlord reasonably believes to be the owner of the property.

(2)(a) The notice required by subsection (1) of this section shall describe the property in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by section 69-2309 shall not protect the landlord from any liability arising from the disposition of property not described in the notice, except that a trunk, valise, box, or other container which is locked, fastened, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(b) The notice shall state that reasonable costs of storage may be charged before the property is returned, the location where the property may be claimed, and the date on or before which such property must be claimed.

(c) The date specified in the notice shall be a date not less than seven days after the notice is personally delivered or, if mailed, not less than fourteen days after the notice is deposited in the mail.

(d) The notice shall be given within six months of the date of expiration of the lease of the property or the date of discovery of the abandonment, whichever is later.

(3) The notice shall be personally delivered or sent by first-class mail, postage prepaid, to the person to be notified at his or her last-known address and, if there is reason to believe that the notice sent to that address will not be received by him or her, also delivered or sent to such other address, if any, known to the landlord at which such person may reasonably be expected to receive the notice.

Sec. 2. Section 76-1441, Reissue Revised Statutes of Nebraska, is amended to read:

76-1441. The person seeking possession shall file a petition for restitution with the clerk of the district or county court. The petition shall contain (a) the facts, with particularity, on which he or she seeks to recover; (b) a reasonably accurate description of the premises; and (c) the requisite compliance with the notice provisions of ~~sections 25-21,219 and 76-1401 to 76-1449~~ the Uniform Residential Landlord and Tenant Act. The petition may notify the tenant that personal property remains on the premises and that it may be disposed of pursuant to section 69-2308. The petition may also contain other causes of action relating to the tenancy, but such causes of action shall be answered and tried separately, if requested by either party in writing.".

2. On page 1, line 1, strike "section" and insert "sections 76-1441 and"; in line 2, after "Nebraska" insert ", and section 69-2303, Revised Statutes Supplement, 1994"; in line 3 after "restitution" insert "and notice requirements for personal property disposal"; and in line 4 strike "section" and insert "sections".

3. On page 2, lines 6 and 7, strike the new matter and reinstate the stricken matter; in line 8 strike "the court shall"; in line 16, strike "Section" and insert "Sections 76-1441 and"; and in line 17, after the comma strike "is" and insert "and section 69-2303, Revised Statutes Supplement, 1994, are".

4. Renumber the remaining sections accordingly.

SPEAKER WITHEM PRESIDING

The Lindsay-Wesely motion to return prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 175. The Lindsay-Wesely specific amendment, AM0446, found in this day's Journal, was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 179 to Select File

Mr. Maurstad moved to return LB 179 to Select File for his specific amendment, AM0196, found in the Journal on page 713.

The Maurstad motion to return prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 179. The Maurstad specific amendment, AM0196, found in the Journal on page 713, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 274

Mr. Elmer withdrew his amendments, AM0368 and AM0455, found in the Journal on pages 719 and 796, to LB 274.

MOTION - Return LB 274 to Select File

Mr. Elmer moved to return LB 274 to Select File for the following specific amendment:
FA91

(Amendments to Final Reading copy)

1. On page 2, line 24, after "animal" insert ", except coyote,".
2. On page 4, strike beginning with the first "the" in line 6 through the second "trap" in line 7 and insert "the trap is marked in accordance with rules and regulations adopted and promulgated by the commission".

3. On page 2, lines 6 and 11, after "shall" insert "knowingly and"
4. On page 2, line 19, strike "fisher" and insert "angler".

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Elmer motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 274. The Elmer specific amendment, FA91, found in this day's Journal, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LR 24CA

Mr. Withem withdrew his amendment, AM0082, found in the Journal on page 512, to LR 24CA.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 24CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and

maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees ~~within a licensed racetrack enclosure~~ at such locations and by such means as are authorized by the Legislature or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to remove the restriction that wagering on the results of horseraces by the parimutuel method be conducted within a licensed racetrack enclosure and to authorize such wagering to be conducted at locations and by means authorized by the Legislature.
> For
> Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 31:

Avery
Bernard-Stevens
Beutler
Bromm
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Robak
Robinson
Schellpeper
Schrock
Vrtiska
Warner
Wickersham
Will
Withem

Voting in the negative, 6:

Bohlke
Brashear
Chambers
Preister
Wehrbein
Wesely

Present and not voting, 2:

Brown
Jones

Excused and not voting, 10:

Abboud
Day
Dierks
Kristensen
Landis
Pedersen
Schimek
Schmitt
Stuhr
Witek

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 222. With Emergency.

A BILL FOR AN ACT relating to eminent domain; to amend sections 76-717 and 76-720, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals of awards; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Jensen
Pirsch
Schellpeper

Excused and not voting, 9:

Abboud
Day
Dierks
Kristensen
Landis
Pedersen
Schimek
Schmitt
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Reissue Revised Statutes of Nebraska, and section 37-101, Revised Statutes Supplement, 1994; to redefine terms; to change provisions relating to the destruction of predators; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Day
Dierks
Kristensen
Landis
Pedersen
Schimek
Schmitt
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 270.

A BILL FOR AN ACT relating to civil procedure; to amend section 33-123, Reissue Revised Statutes of Nebraska, and section 25-1587.06, Revised Statutes Supplement, 1994; to change provisions relating to court filing fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen

Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Wehrbein

Excused and not voting, 9:

Abboud
Day
Dierks
Kristensen
Landis
Pedersen
Schimek
Schmitt
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. HALL PRESIDING

Messrs. Will and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 49-506, 49-617, 85-176, and 85-177, Reissue Revised Statutes of Nebraska, and sections 24-209, 24-211, 24-212, 24-1109, and 49-702, Revised Statutes Supplement, 1994; to provide for disposition of the Nebraska Appellate Reports and advance copies; to change the title of the Reporter of the Supreme Court; to change references to the Supreme Court Reports; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Day
Dierks
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 288.

A BILL FOR AN ACT relating to real property; to amend section 23-1503.01, Reissue Revised Statutes of Nebraska, and section 76-1004, Revised Statutes Supplement, 1994; to change provisions relating to recording requirements for certain instruments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Engel

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 297.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-202, Reissue Revised Statutes of Nebraska; to exempt natural resources districts from limitations in actions for title or possession of certain real estate; to restate existing law; to eliminate an obsolete provision; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Engel
Jensen

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272.01, Reissue Revised Statutes of Nebraska; to require visitation and consultation by a guardian ad litem; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Lindsay
Lynch
Matzke
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 2:

Jensen
Maurstad

Present and not voting, 2:

Brown
Engel

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to employment security; to amend section 48-649, Revised Statutes Supplement, 1994; to change provisions relating to an employer's contribution rate; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Brashear
Robak

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to hospitals; to amend sections 23-905, 23-3504, 23-3507, and 71-2057, Reissue Revised Statutes of Nebraska, and section 23-3519, Revised Statutes Supplement, 1994; to change provisions relating to county hospital budget statements; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Hillman
McKenzie

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 402.

A BILL FOR AN ACT relating to foster care; to amend sections 71-1902 and 71-1904, Reissue Revised Statutes of Nebraska; to change and add provisions relating to licensure; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 9:

Abboud
Day
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-323, Reissue Revised Statutes of Nebraska; to change provisions relating to proper parties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
Maurstad
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Lynch
McKenzie

Excused and not voting, 10:

Abboud
Day
Hillman
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1056, Revised Statutes Supplement, 1994; to change provisions relating to garnishment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Hall
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 4:

Coordsen
Fisher
Hartnett
Lynch

Excused and not voting, 10:

Abboud
Day
Hillman
Kristensen
Landis
Pedersen
Schimek
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 77-1716, 79-810, 79-903, and 79-2210, Reissue Revised Statutes of Nebraska, and sections 2-2444, 13-508, 13-509, 14-1821, 18-2107, 23-909, 23-3552, 77-509, 77-509.01, 77-1315, 77-1327, 77-1378, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1601, and 77-1612, Revised Statutes Supplement, 1994; to change dates relating to assessment and taxation of property; to eliminate and change provisions relating to adjustments to property valuation; to eliminate appeal provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1385 to 77-1388 and 77-1506.02, Revised Statutes Supplement, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 1:

Lynch

Present and not voting, 1:

Chambers

Excused and not voting, 10:

Abboud	Hillman	Landis	Schimek	Witek
Day	Kristensen	Pedersen	Will	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Section 7(b), to permit Final Reading of LB 182A.

The Warner motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 182. With Emergency.

A BILL FOR AN ACT relating to taxes; to amend section 87-411, Reissue Revised Statutes of Nebraska, and sections 21-330, 39-2215, 39-2215.01, 39-2216, 52-1401, 60-302, 60-312, 66-482, 66-490, 66-491, 66-492, 66-493, 66-4,141, 66-4,142, 66-4,143, 66-4,144, 66-4,147, 66-651, 66-654, 66-668, 66-672, 66-673, 66-681, 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, 66-712, 66-719.01, 66-726, 66-727, 66-733 to 66-737, 66-740, 66-1345, 66-1414, 66-1510, 77-381, and 77-2704.05, Revised Statutes Supplement, 1994; to adopt the Compressed Fuel Tax Act; to provide for refunds of and eliminate obsolete provisions relating to occupation taxes and fees; to change provisions relating to taxation of motor fuels; to authorize an exempt use of diesel fuel; to continue and provide duties for a task force; to eliminate provisions relating to an alternative fuel user permit and the Petroleum Products Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 66-1215, 66-1217, 66-1218, 66-1220, and 66-1222 to 66-1224, Reissue Revised Statutes of Nebraska, and sections 66-689, 66-690, 66-692, 66-693, 66-1216, 66-1219, and 66-1221, Revised Statutes Supplement 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Lindsay
Matzke
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Coordsen
Jones
Lynch
Maurstad
Wickersham

Excused and not voting, 9:

Abboud
Bromm
Hillman
Kristensen
Landis
Pedersen
Schimek
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 182A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 182, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Lindsay
Matzke
McKenzie
Pirsch

Preister
Robak
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Jones
Lynch
Maurstad
Schrock
Wickersham

Excused and not voting, 9:

Abboud
Bromm
Hillman
Kristensen
Landis
Pedersen
Schimek
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution and bills: LR 24CA, LBs 222, 259, 270, 271, 288, 297, 305, 334, 366, 402, 411, 420, 452, 182, and 182A.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 172. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Janssen asked unanimous consent to print the following amendment to LB 581 in the Journal. No objections. So ordered.

AM1149

1. On page 2, line 9, after the third period insert "The litter fee shall be calculated based on the gross proceeds of sales at each individual location of the business operations of a retailer, unless the retailer chooses to file a combined litter fee return for business operations conducted at two or more locations.".

Mr. Janssen asked unanimous consent to print the following amendment to LB 581 in the Journal. No objections. So ordered.

AM1150

1. Insert the following new section:

"Sec. 3. The following sections are outright repealed: Sections 81-1566.01 and 81-15,163, Reissue Revised Statutes of Nebraska.".

VISITORS

Visitors to the Chamber were Ben Thursby from Auburn; 104 fourth grade students and teachers from Crete; nine Girl Scouts and sponsor from Troop 107, Ogallala; Senator Bromm's mother and sister, Della Bromm and Joan Anderson, from Tekamah, and sister and brother-in-law, Phyllis and Ray Holmquist, from Des Moines, Iowa; and 20 students and teacher from Lincoln High School.

RECESS

At 12:02 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Crosby, Robak, Witek, Messrs. Kristensen, Pedersen, and Ms. Schimek who were excused; and Messrs. Abboud, Avery, Beutler, Bromm, Coordsen, Dierks, Hall, Landis, Matzke, Maurstad, Schellpeper, Schmitt, Schrock, Will, Mmes. Bohlke, Hillman, and Pirsch who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 16.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 1995, at 12:45 p.m., were the following bills: 182A, 182, 452, 420, 411, 402, 366, 334, 305, 297, 288, 271, 270, 259, and 222.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 24, 1995, at 1:10 p.m., was the following resolution: LR 24CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 81. Introduced by Wehrbein, 2; Vrtiska, 1; Coordsen, 32; Wesely, 26; Elmer, 44; Dierks, 40.

WHEREAS, the people of the State of Nebraska enjoy a sister-state relationship with the Republic of China on Taiwan; and

WHEREAS, commercial interaction with the Republic of China on Taiwan has grown substantially in recent years to the mutual benefit of both our citizenry, and

WHEREAS, a democratic, multi-party political system has been smoothly established in the Republic of China on Taiwan in recent years; and

WHEREAS, the direct role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has expanded significantly during the past decade and has often been in close coordination with our nation's own efforts; and

WHEREAS, twelve countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 49th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community based upon the principle of universality and in accordance with the established pattern of parallel representation by divided countries in the United Nations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the on-going commercial relationship of the State of Nebraska with the people of the Republic of China on Taiwan should be recognized as serving our mutual interests in an equitable and reciprocal manner.
2. That the record of the Republic of China on Taiwan concerning her democratization at home and humanitarian service abroad be accorded appropriate recognition by the people of this State.
3. That due consideration should be given by the United States to the Republic of China on Taiwan for the latter's further contributions to and broader participation in the international community, including such forums as multicultural trade associations, humanitarian relief organizations, and the United Nations.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 377A. Title read. Considered.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 3 present and not voting, and 20 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 406A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 658A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM1153

1. Strike original section 2 and insert the following new sections:

"Sec. 2. The appropriation for FY1995-96 to the Department of Social Services, for Program 347, shall be reduced by $1,400,000 General Funds. The appropriation for FY1996-97 to the Department of Social Services, for Program 347, shall be reduced by $1,470,000 General Funds.

Sec. 3. There is hereby appropriated (1) $315,640 from the General Fund and $463,526 from federal funds for FY1995-96 and (2) $405,070 from the General Fund and $576,680 from federal funds for FY1996-97 to the Department of Social Services, for Program 348 to aid in carrying out the provisions of Legislative Bill 658, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 548. The Bernard-Stevens pending amendment, AM1202, found in the Journal on page 1282, was renewed.

MR. HALL PRESIDING

MR. LINDSAY PRESIDING

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Elmer
Engel
Janssen
Jensen
Jones
Matzke
Maurstad
Pirsch
Robinson
Schrock
Stuhr
Wehrbein

Voting in the negative, 15:

Beutler
Bromm
Day
Fisher
Hall
Hudkins
Lindsay
Lynch
McKenzie
Preister
Vrtiska
Warner
Wesely
Wickersham
Withem

Present and not voting, 4:

Avery
Cudaback
Hartnett
Schmitt

Excused and not voting, 13:

Abboud
Coordsen
Crosby
Dierks
Hillman
Kristensen
Landis
Pedersen
Robak
Schellpeper
Schimek
Will
Witek

The Bernard-Stevens amendment lost with 17 ayes, 15 nays, 4 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved to indefinitely postpone LB 548.

Laid over.

Mr. Matzke asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendment to LB 189:
AM7076

1. On page 1, strike beginning with the semicolon in line 2 through line 4 and insert ", and section 24-301.02, Revised Statutes Supplement, 1994; to change the number of district court and separate juvenile court judges in certain districts and counties; to change provisions relating to separate juvenile courts; and to repeal the original sections.".

LEGISLATIVE BILL 172. Placed on Select File.
LEGISLATIVE BILL 860. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Day asked unanimous consent to print the following amendment to LB 449A in the Journal. No objections. So ordered.

AM1203

1. On page 2, line 1, strike "$11,119" and insert "$5,155"; and strike lines 6 through 8 and insert:

"No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

GENERAL FILE

LEGISLATIVE BILL 399. Title read. Considered.

Standing Committee amendment, AM0645, found in the Journal on page 1097, was considered.

MR. LINDSAY PRESIDING

Messrs. Bromm, Wesely, and Ms. Day asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Messrs. Vrtiska, Schmitt, and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens renewed his pending amendment, AM1187, found in the Journal on page 1284.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 2 present and not voting, and 19 excused and not voting.

UNANIMOUS CONSENT - Unbracket LB 377

Mrs. McKenzie asked unanimous consent to unbracket LB 377. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 68 in the Journal. No objections. So ordered.

AM1230

1. On page 2, line 1, before "any" insert "(a)"; in line 6 before "shall" insert "and (b) any self-funded employee benefit plan to the extent not preempted by federal law"; in line 8 strike "(a)" and insert "(i)"; in line 11 strike "(b)" and insert "(ii)"; in line 15 strike "(c)" and insert "(iii)"; and in line 22 after the period insert "This section does not apply if the covered individuals are provided an ongoing screening mammography program which at a minimum meets the requirements of this section as a separate benefit.".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 23, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Friends of Higher Education
Pallesen Jr., Charles M. - Lincoln	Friends of Higher Education
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Project 2000
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Friends of Higher Education
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Friends of Higher Education

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 871. Placed on General File as amended.
Standing Committee amendment to LB 871:
AM1200

1. Strike the original sections and insert the following new sections:

"Section 1. Section 46-235.04, Reissue Revised Statutes of Nebraska, is amended to read:

46-235.04. (1) Induced ground water recharge appropriations shall be administered in the same manner as prescribed by Chapter 46, article 2, for other appropriations. Appropriations for induced ground water recharge may be canceled and annulled as provided in section 46-229.04.

(2) The Department of Water Resources may approve the transfer of priority dates among water wells, including replacement water wells, located within a single well field that are subject to an induced recharge appropriation, or are part of an application for such an appropriation, to improve the water well field's efficiency of operation with respect to river flow. The transfers shall be approved if the department finds that (a) the transfers would not increase the quantity of induced ground water recharge under the original priority date or application, (b) the amount of water withdrawn from water wells under the original priority date or application would not increase, (c) the quantity of streamflow needed to sustain well field operation under the original priority date would decrease, (d) the transfer would not impair the rights of other appropriators, and (e) the transfer is in the public interest in the same manner as provided in section 46-235. The department may assign multiple priority dates to a single water well that replaces two or more water wells which are abandoned. Replacement wells installed pursuant to this subsection may be installed without regard to the limitation of subdivision (5)(b) of section 46-602 if the replacement well is located within the same well field as the abandoned water well. Notice shall be furnished and any hearing held as provided in sections 46-291 to 46-293. For purposes of this subsection, the term "single well field" shall mean those contiguous tracts of land owned or leased by the

applicant containing two or more water wells subject to induced recharge.

Sec. 2. Section 46-613, Reissue Revised Statutes of Nebraska, is amended to read:

46-613. Preference in the use of ~~underground~~ ground water shall be given to those using the water for domestic purposes. They shall have preference over those claiming it for any other purpose. Those using the water for agricultural purposes shall have the preference over those using the same for manufacturing or industrial purposes.

As used in this section, (1) domestic use of ground water shall mean all uses of ground water required for human needs as it relates to health, fire control, and sanitation and shall include the use of ground water for domestic livestock as related to normal farm and ranch operations and (2) agricultural purposes shall include, but not be limited to, aquaculture as defined in section 2-3804.01.

Sec. 3. (1) The Legislature finds that instream appropriations, as defined in section 46-2,108, for recreation, fish, and wildlife should consider preferences among different uses and that all appropriations should consider the possible legal relationship between surface water and ground water. Thus the Legislature finds that, since such issues have not been fully considered, the Director of Water Resources shall not grant any permit to appropriate water, except as specified in subsection (2) of this section, before January 1, 1997, for any application pending on or filed after the effective date of this act.

(2) The Director of Water Resources may grant applications for appropriations for flood control or sediment control structures which have a permanent impounding capacity that does not exceed twenty acre-feet, applications for temporary appropriations for public construction that are five cubic feet per second or less, or applications by public water suppliers for induced ground water recharge appropriations pursuant to sections 46-233 to 46-238.

Sec. 4. Section 46-663, Reissue Revised Statutes of Nebraska, is amended to read:

46-663. Regardless of whether or not any portion of a district has been designated as a control area, management area, or special ground water quality protection area, in order to administer and enforce the Nebraska Ground Water Management and Protection Act and to effectuate the policy of the state to conserve ground water resources, a district may:

(1) Adopt and promulgate rules and regulations necessary to discharge the administrative duties assigned in the act;

(2) Require such reports from ground water users as may be necessary;

(3) Require meters to be placed on any water wells for the purpose of acquiring water use data;

(4) Conduct investigations and cooperate or contract with agencies of the United States, agencies or political subdivisions of this state, public or private corporations, or any association or individual on any matter relevant to the administration of the act;

~~(4)~~ (5) Report to and consult with the Department of Environmental Quality on all matters concerning the entry of contamination or contaminating materials into ground water supplies; and

~~(5)~~ (6) Issue cease and desist orders, following ten days' notice to the person affected stating the contemplated action and in general the grounds for the action and following reasonable opportunity to be heard, to enforce any of the provisions of the act or of orders or permits issued pursuant to the act, to initiate suits to enforce the provisions of orders issued pursuant to the act, and to restrain the construction of illegal water wells or the withdrawal or use of water from illegal water wells.

Sec. 5. Section 46-1405, Revised Statutes Supplement, 1994, is amended to read:

46-1405. ~~(1)~~ Any natural resources district cost-sharing program for decommissioning illegal water wells may qualify for funding pursuant to section 46-1404 if the program:

~~(a)~~ (1) Applies only to water wells properly decommissioned by licensed water well contractors and pump installation contractors;

~~(b)~~ (2) Applies to all water wells in the district;

~~(c)~~ (3) Is available for at least thirty water wells per year; and

~~(d)~~ (4) Provides at least seventy-five percent of the costs of decommissioning, up to a maximum of three hundred dollars for all water wells other than hand-dug water wells which shall be eligible for up to a maximum of seven hundred dollars.

~~(2) As part of the application for cost sharing, the applicant shall provide the district with a copy of the notice required by section 46-602 which includes a notarized affidavit of the person decommissioning the water well. The affiant shall verify that the water well was decommissioned in accordance with state law, standards, rules, and regulations and using the materials described in the notice. Any person filing a false affidavit shall be guilty of making a false statement under oath or equivalent affirmation pursuant to section 28-915.01.~~

Sec. 6. Original sections 46-235.04, 46-613, and 46-663, Reissue Revised Statutes of Nebraska, and section 46-1405, Revised Statutes Supplement, 1994, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Senator Brashear's son, Kurth, from Chicago; and Senator Maurstad's daughter, Laura, and 29 students and teacher from Beatrice Middle School.

The Doctor of the Day was Phyllis Shannon Salyards from Hastings.

ADJOURNMENT

At 3:38 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Monday, March 27, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIRST DAY - MARCH 27, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 27, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dan Gonnerman, Faith Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Hillman and Robak who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Engel, Hall, Lynch, Robinson, Schrock, Warner, Will, Mmes. Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 68 and 75.

GENERAL FILE

LEGISLATIVE BILL 548. Mr. Wesely withdrew his pending motion, found in the Journal on page 1316, to indefinitely postpone.

Mr. Beutler offered the following amendment:
FA92

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 32-1610, Revised Statutes Supplement, 1994, is amended to read:

32-1610. The Campaign Finance Limitation Cash Fund is hereby created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature, amounts repaid by candidates pursuant to sections 32-1606 and 32-1607, and taxpayer contributions to the fund pursuant to section 77-27,119.04. The Legislature shall appropriate fifty thousand dollars for FY1995-96 and fifty thousand dollars for FY1996-97 from the General Fund to the Campaign Finance Limitation Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Original section 32-1610, Revised Statutes Supplement, 1994, is repealed.".

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Avery
Beutler
Bohlke
Bromm
Brown
Day
Fisher
Hartnett
Hudkins
Janssen
Landis
Lindsay
Preister
Schimek
Vrtiska
Wesely
Wickersham
Withem

Voting in the negative, 10:

Chambers
Jensen
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Schellpeper
Wehrbein
Witek

Present and not voting, 11:

Brashear
Coordsen
Crosby
Cudaback
Dierks
Elmer
Jones
Schmitt
Schrock
Stuhr
Warner

Excused and not voting, 10:

Abboud
Bernard-Stevens
Engel
Hall
Hillman
Lynch
McKenzie
Robak
Robinson
Will

The Beutler amendment lost with 18 ayes, 10 nays, 11 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM1245

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Election period shall mean the calendar year of the election;

(2) Expenditure shall mean the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; ~~and~~

(3) General election period shall mean the sixteenth day following the primary election through December 31 of the election period; and

(4) Primary election period shall mean January 1 of the election period through the ~~thirty-fifth~~ fifteenth day following the primary election.

Sec. 2. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending for the election period to one million five hundred thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending for the election period to one hundred fifty thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending for the election period to fifty thousand dollars, and such ~~candidates~~ candidate shall (a) limit ~~their~~ his or her spending

for the primary election period to an amount which does not exceed fifty percent of the limits provided in this subsection for the election period and (b) limit his or her spending for the general election period up to an amount which does not exceed sixty percent of the limits provided in this subsection for the election period to the extent that spending in the primary election period was less than fifty percent of the limits provided in this subsection for the election period.

Any amounts expended prior to the primary election period and after the last preceding general election period for services or goods used exclusively or primarily in the primary election period shall be considered expenditures of the primary election period. Any amounts expended prior to or during the primary election period for services or goods used exclusively or primarily in the general election period shall be considered expenditures of the general election period. Amounts expended for goods or services used in both the primary and general election periods shall be allocated according to use between the primary and general election periods.

(3) Each candidate desiring to receive public funds pursuant to this section for the primary election period or for the general election period shall file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for office, (a) a written declaration of intent to abide by the spending limitations provided in this section and (b) a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. ~~Each candidate desiring to receive public funds pursuant to this section shall (a) beginning January 1 of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.~~

(4) In addition to the requirements provided in subsection (3) of this section, each candidate desiring to receive public funds for the primary election period shall raise an amount equal to at least twenty-five percent of the primary election period spending limitation for the office from persons who are residents of Nebraska. Money raised prior to the election period or prior to the filing of the declaration required by subdivision (3)(a) of this section shall not count towards the qualifying amount established in this subsection. Each candidate desiring to receive public funds for the general election period pursuant to this section shall raise an amount equal to at least twenty-five percent of the general election period spending limitation for the office from persons who are residents of Nebraska. Such funds shall be raised after the primary election period. At least sixty-five percent of the qualifying amounts established in this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

A candidate who fails to qualify for public funds for the primary election period because he or she exceeds the primary election period spending limitation shall not be eligible to receive public funds for the general election period.

(5) Any candidate who does not file the written declaration pursuant to subdivision ~~(3)(b)~~ (3)(a) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. ~~A~~ Such a candidate nominated in the primary election shall file an estimate of expenditures for the ~~remainder of the total~~ general election period on or before the ~~fortieth~~ twentieth day following the primary election. The estimate of expenditures for the ~~remainder of the~~ general election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit. A candidate whose estimated maximum expenditures exceed the spending limitations of this section shall file an affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the primary election period. The candidate shall file a second affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the general election period. Each affidavit shall be filed no later than five days after the forty percent has been expended. A candidate who intentionally fails to file the required affidavit within either five-day period shall be guilty of a Class

II misdemeanor.

(6) If an affidavit required under subsection (5) of this section is not filed, no public funds shall be distributed to the candidates for such office who have qualified for public funds for the election period unless preelection campaign statements filed pursuant to subdivisions (1) and (2) of section 49-1459 or audits by the commission conducted pursuant to section 49-14,122 reveal that a candidate has made expenditures requiring the filing of an affidavit under subsection (5) of this section.

Sec. 3. Section 32-1605, Reissue Revised Statutes of Nebraska, is amended to read:

32-1605. Any individual who files to appear on the ballot for an elective office specified in subsection (1) of section 32-1604 shall file a copy of the written declaration that was filed with the Nebraska Accountability and Disclosure Commission as provided in subsections (3) and ~~(4)~~ (5) of section 32-1604 at the same time and with the same official with whom the individual files for office. Candidates for an elective office specified in subsection (1) of section 32-1604 who qualify other than by filing, shall file a written declaration as provided in subsections (3) and ~~(4)~~ (5) of section 32-1604 with the commission within five days after qualifying for the ballot. A filing to appear on the ballot for an office specified in subsection (1) of section 32-1604 shall not be accepted by a filing official unless a written declaration is properly filed.

Sec. 4. Section 32-1606, Reissue Revised Statutes of Nebraska, is amended to read:

32-1606. (1) Any candidate who has satisfied the requirements of ~~subsection (3) of section 32-1604 may, upon spending twenty-five percent of the spending limitation for the election period prescribed in such section, file an affidavit with the commission setting forth these facts and requesting public funds. If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection (4) of section 32-1604 is greater than the spending limitations as provided in subsection (2) of section 32-1604 for the office, the candidate shall be entitled to receive the difference between the spending limitation and the highest estimated maximum expenditure filed by any of the candidate's opponents. The commission shall compute the amount of the payment to be made to a candidate.~~ subsections (3) and (4) of section 32-1604 may file an affidavit setting forth such facts and request public funds for the primary or general election period upon spending twenty-five percent of the spending limitation provided for such election period. If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection (5) of section 32-1604 is greater than the spending limitations as provided in subsection (2) of such section for the office, the candidate shall be entitled to receive the difference between the spending limitation and the highest estimated maximum expenditure filed by any of the candidate's opponents. The Nebraska Accountability and Disclosure Commission shall compute the amount of the payment to be made to a candidate. For purposes of this section, a candidate's opponent in a partisan primary election shall include only those other candidates of the same political party running for the same office, and a candidate's opponent in a nonpartisan primary election shall include all candidates running for the same office.

(2) Public funds to which a candidate is entitled under this section shall be disbursed to that candidate two weeks after the last date to amend an affidavit pursuant to subsection ~~(4)~~ (5) of section 32-1604.

(3) Public funds received pursuant to this section shall be kept in a separate account in a financial institution in this state, shall be used only to make expenditures, and shall not be counted against the spending limitations prescribed in section 32-1604. Any unexpended public funds shall be repaid to the state on or before December 31 of the election period.

(4) Expenditures from public funds received pursuant to this section shall be reported to the commission on forms prescribed by the commission and in accordance with rules and regulations adopted and promulgated by the commission.

Sec. 5. Section 49-1459, Reissue Revised Statutes of Nebraska, is amended to read:

49-1459. Campaign statements as required by the Nebraska Political Accountability and Disclosure Act shall be filed according to the following schedule:

(1) A first preelection campaign statement shall be filed not later than the thirtieth day before the election. The closing date for a campaign statement filed under this subdivision shall be the thirty-fifth day before the election;

(2) A second preelection campaign statement shall be filed not later than the tenth day before the election. The closing date for a campaign statement filed under this subdivision shall be the fifteenth day before the election; and

(3) A postelection campaign statement shall be filed not later than the ~~fortieth~~ twentieth day following the primary election and the sixtieth day following the general election. The closing date for a postprimary election campaign statement filed under this subdivision shall be the ~~thirty-fifth~~ fifteenth day following the election. The closing date for a postgeneral election campaign statement filed under this subdivision shall be December 31 of the year in which the election is held. If all liabilities of a candidate and committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the dates provided under this subdivision.

Sec. 6. Original sections 32-1603 to 32-1606 and 49-1459, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?"

Mr. Lindsay moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Beutler amendment was adopted with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Avery
Beutler
Brashear
Bromm
Brown
Day
Hartnett
Landis
Lindsay
Matzke
Maurstad
McKenzie
Preister
Schimek
Warner
Wesely
Wickersham
Withem

Voting in the negative, 20:

Bohlke
Chambers
Coordsen
Crosby
Cudaback
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Pedersen
Pirsch
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Witek

Present and not voting, 3:

Dierks
Elmer
Vrtiska

Absent and not voting, 1:

Lynch

Excused and not voting, 7:

Abboud
Bernard-Stevens
Hall
Hillman
Robak
Robinson
Will

Failed to advance to E & R for review with 18 ayes, 20 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 82. Introduced by Wehrbein, 2; Maurstad, 30; Engel, 17; Crosby, 29; Brown, 6; Schrock, 38.

WHEREAS, in accordance with the provisions of section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education plans for each of the following, collectively, the "project":

(a) Issuance of revenue bonds of the board in an amount sufficient to finance the amount of $430,000 paid to acquire the Beta Sigma Psi Fraternity House to be used for housing students at the University of Nebraska-Lincoln;

(b) Acquisition, repair, remodeling, and renovation of an existing apartment complex for use as UNL City Campus family student housing costing $1,805,400 to be paid by the issuance of revenue bonds of the board in an amount sufficient to finance $1,500,000 of such costs and the balance of $305,400 from money in the bond reserve funds;

(c) Installation of air-conditioning equipment and upgrading the existing heating system in the Neihardt Residential Hall Complex on the UNL City Campus to be paid by the issuance of revenue bonds of the board in an amount sufficient to finance such costs in the amount of $530,000; and

(d) Construction of pavement, storm sewer drainage, parking lot and street lighting, and sidewalks for certain existing parking lots on the UNL City and East Campuses to be paid by the issuance of revenue bonds of the board in an amount sufficient to finance such costs in an amount not to exceed $2,200,000; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the board has submitted the project to the Legislature for approval in accordance with sections 85-404 and 85-408.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to sections 85-404 and 85-408 each of the following is hereby approved:

(a) Issuance of revenue bonds of the board in an amount sufficient to finance the amount of $430,000 paid to acquire the Beta Sigma Psi Fraternity House to be used for housing students at the University of Nebraska-Lincoln;

(b) Acquisition, repair, remodeling, and renovation of an existing apartment complex for use as UNL City Campus family student housing costing $1,805,400 to be paid by the issuance of revenue bonds of the board in an amount sufficient to finance $1,500,000 of such costs and the balance of $305,400 from money in the bond reserve funds;

(c) Installation of air-conditioning equipment and upgrading the existing heating system in the Neihardt Residential Hall Complex on the UNL City Campus to be paid by the issuance of revenue bonds of the board in an amount sufficient to finance such costs in the amount of $530,000; and

(d) Construction of pavement, storm sewer drainage, parking lot and street lighting, and sidewalks for certain existing parking lots on the UNL City and East Campuses to be paid by the issuance of revenue bonds of the board in an amount sufficient in finance such costs in an amount not to exceed $2,200,000.

2. That revenue bonds of the board may be issued in an amount sufficient to pay the costs to be financed from the proceeds of revenue bonds specified in this resolution, plus any necessary reserves and any amounts required to pay the costs of issuance of such bonds.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Matzke asked unanimous consent to print the following amendment to LB 172 in the Journal. No objections. So ordered.

AM1234

1. On page 2, line 10, strike "reasonable value of services necessarily", show as stricken, and insert "usual and customary charges of such physician, nurse, or hospital applicable at the times services are".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM1140

(Amendments to E & R amendments, AM7058)

1. Strike section 4.

2. On page 21, line 27, strike "for the entire period of".

3. On page 22, strike beginning with line 1 through "issued" in line 2 and insert "at the time of registration and while the motor vehicle is operated on a public highway of this state".

4. On page 25, line 18, strike "filing" and insert "copy".

5. On page 30, line 2, strike "60-302.04,".

6. Renumber the remaining sections and correct internal references accordingly.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM0910

1. Insert the following new section:

"Sec. 11. Section 60-4,118, Revised Statutes Supplement, 1994, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the application for an operator's license discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license

should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by any supervisory law enforcement officer, police chief, county sheriff, or his or her designee ~~a law enforcement officer~~, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of sixteen years, but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her sixteenth birthday.

(6)(a) Upon receipt of a certified copy of a court order issued pursuant to section 60-6,211.05 and of sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order and upon payment by the defendant of the fee provided in section 60-4,115, the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.".

2. On page 29, line 18, after the last comma insert "60-4,118,".

3. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

FA93

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The following sections are outright repealed: Sections 32-1601 to 32-1609 and 32-1611, Reissue Revised Statutes of Nebraska, and section 32-1610, Revised Statutes Supplement, 1994, are repealed."

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 100. Placed on General File.

LEGISLATIVE BILL 480. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on the final passage of LBs 222, 259, 270, 271, 288, 297, 305, 334, 366, 402, 411, 420, 452, 182, and 182A.

(Signed) Dwite Pedersen

GENERAL FILE

LEGISLATIVE BILL 168. The pending Standing Committee amendment, AM0283, found in the Journal on page 997 and considered on page 1190, was renewed.

Mr. Janssen moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Jones and Wickersham offered the following amendment:
AM1246

1. Strike original sections 2 and 3 and all amendments thereto and insert the following new sections:

"Sec. 2. Section 84-907, Reissue Revised Statutes of Nebraska, is amended to read:

84-907. (1) No rule or regulation shall be adopted, amended, or repealed by any agency except after public hearing on the question of adopting, amending, or repealing such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. All such hearings shall be open to the public. In addition to the requirements of section 84-906.01, draft copies or working copies of all rules and regulations to be adopted, amended, or repealed by any agency shall be available to the public in the office of the Secretary of State at the time of giving notice. The notice shall include: ~~(1)~~ (a) A declaration of availability of such draft or work copies for public examination; ~~(2)~~ (b) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation; ~~and (3)~~ (c) a description but not necessarily a quantification of the fiscal impact on state agencies, political subdivisions, and persons being regulated or an explanation of where the description of the fiscal impact may be inspected and obtained; and (d) an analysis of any potential taking of property under the proposed rule or regulation with or without compensation, including (i) a description of the type of property which may be taken and (ii) the estimated but not necessarily quantified fiscal impact on the state or an explanation of where the description of the type of property and fiscal impact may be inspected and obtained. No person may challenge the validity of any rule or regulation, the adoption, amendment, or repeal of any rule or regulation, or any determination of the applicability of any rule or regulation on the basis of the explanation provided pursuant to subdivision ~~(2)~~ (b) of this ~~section~~ subsection. Any agency adopting, amending, or repealing a rule or regulation may make written application to the Governor who may, upon receipt of a written showing of good cause, waive the notice of public hearing.

(2) For purposes of this section, good cause shall include, but not be limited to, a showing by the agency that:

(a) Compliance with the public notice requirements of this section would result in extreme hardship on the citizens of this state;

(b) An emergency exists which must be remedied immediately; or

(c) A timely filing or publication of notice of a public hearing was prevented by some unforeseeable event beyond the immediate control of the agency and that the parties affected have not and will not suffer material injury as a result of the agency's action.

(3) Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted or changed.

Sec. 3. Original sections 84-905.01 and 84-907, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 2, line 7, after "authority" insert ", compliance with section 84-907,"; and strike beginning with the third underscored comma in line 8 through "owner" in line 10.

MRS. CROSBY PRESIDING

Mr. Lindsay offered the following amendment to the Jones-Wickersham pending amendment:
FA94

Amend AM1246
1. On page 1, line 1, before "2", insert "1,"
2. On page 3, line 3, strike "84-905.01 and"
3. On page 3, strike lines 5 through 7.

Ms. Day and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Resources

LEGISLATIVE BILL 387. Indefinitely postponed.
LEGISLATIVE BILL 704. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on the final passage of LBs 259, 270, 271, 288, 297, 305, 334, 366, 402, 411, 420, 452, 182e, 182Ae, LR 24CA and "no" on LB 222.

(Signed) Kate Witek

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1208

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 49-1446, Reissue Revised Statutes of Nebraska, is amended to read:

49-1446. (1) Each committee shall have a treasurer who is a qualified elector of this state. A candidate may appoint himself or herself as the candidate committee treasurer.

(2) ~~Except for funds received as provided in the Campaign Finance Limitation Act, each~~ Each committee shall designate one account in a financial institution in this state as an official depository for the purpose of depositing all contributions which it receives in the form of or which are converted to money, checks, or other negotiable instruments and for the purpose of making all expenditures. Secondary depositories shall be used for the sole purpose of depositing contributions and promptly transferring the deposits to the committee's official depository.

(3) No contribution shall be accepted and no expenditure shall be made by a committee which has not filed a statement of organization and which does not have a treasurer. When the office of treasurer in a candidate committee is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(4) No expenditure shall be made by a committee without the authorization of the treasurer or the assistant treasurer. The contributions received or expenditures made by a candidate or an agent of a candidate shall be considered received or made by the candidate committee.

(5) Contributions received by an individual acting in behalf of a committee shall be reported promptly to the committee's treasurer not later than five days before the closing date of any campaign statement required to be filed by the committee and shall be reported to the committee treasurer immediately if the contribution is received less than five days before the closing date.

(6) A contribution shall be considered received by a committee when it is received by the committee treasurer or a designated agent of the committee treasurer notwithstanding the fact that the contribution is not deposited in the official depository by the reporting deadline.

(7) Contributions received by a committee shall not be commingled with any funds of an agent of the committee or of any other person except for funds received or disbursed by a separate segregated political fund for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, as provided in section 49-1469, including independent expenditures made in such elections.

(8) Any person who violates section 49-1445 or this section shall be guilty of a Class IV misdemeanor.

Sec. 2. Section 49-1455, Reissue Revised Statutes of Nebraska, is amended to read:

49-1455. The campaign statement of a committee, other than a political party committee, shall contain the following information:

(1) The filing committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its committee treasurer;

(2) Under the heading RECEIPTS, the total amount of contributions received during the period covered by the campaign statement; under the heading EXPENDITURES, the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals for the election period. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment shall be subtracted from the total amount of contributions received. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as a contribution by the third party but shall not be included in the totals. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures;

(3) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

(4) The full name of each individual from whom contributions totaling more than one hundred dollars are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for the election period;

(5) The full name of each person, except those individuals reported under subdivision (4) of this section, which contributed a total of more than one hundred dollars during the period covered by the report together with the person's street

address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for the election period;

(6) The name of each committee which is listed as a contributor shall include the full name of the committee's treasurer;

(7) The full name and street address of each person to whom expenditures totaling more than one hundred dollars were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee;

(8) The amount and the date of expenditures for or against a candidate or ballot question during the period covered by the campaign statement and the cumulative amount of expenditures for or against that candidate or ballot question for the election period. An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both; and

(9) The total amount of funds disbursed by a separate segregated political fund, by state, for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, including independent expenditures made in such elections.

For purposes of this section, election period shall ~~be as defined in section 32-1603~~ mean the calendar year of the election.

Sec. 3. Section 49-14,122, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,122. The commission shall make random field investigations and audits with respect to campaign statements and activity reports filed with the commission under ~~the Campaign Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act. ~~Except for audits conducted pursuant to the Campaign Finance Limitation Act, any~~ Any audit or investigation conducted of a candidate's campaign statements during a campaign shall include an audit or investigation of the statements of his or her opponent or opponents as well. The commission may also carry out field investigations or audits with respect to any campaign statement, registration, report, or other statement filed under the ~~Nebraska Political Accountability and Disclosure Act~~ act if the commission or the executive director deems such investigations or audits necessary to carry out the purposes of the act.

Sec. 4. Section 49-14,123, Revised Statutes Supplement, 1994, is amended to read:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out ~~the Campaign~~

~~Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act pursuant to the Administrative Procedure Act;

(2) Prescribe forms for statements and reports required to be filed pursuant to ~~the Campaign Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by the ~~acts~~ act and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of the ~~acts~~ act;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the ~~acts~~ act;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of the acts upon the request of a person or governmental body directly covered or affected by the ~~acts~~ act. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the Nebraska Political Accountability and Disclosure Act and the rules or regulations promulgated thereunder; ~~and act concurrently with the county attorney in prosecuting criminal violations of the Campaign Finance Limitation Act;~~

(12) Receive all late filing fees and civil penalties imposed pursuant to the Nebraska Political Accountability and Disclosure Act ~~, seek the return of any amount as provided in section 32-1606, and seek the repayment of any amount as provided in section 32-1607~~ and remit all such funds to the State Treasurer for credit to the ~~Campaign Finance Limitation Cash Fund~~ Nebraska

Accountability and Disclosure Commission Cash Fund; and

(13) Prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.

Sec. 5. Section 49-14,129, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,129. The commission, by order, may suspend or modify any of the reporting requirements of ~~the Campaign Finance Limitation Act or~~ the Nebraska Political Accountability and Disclosure Act, in a particular case, for good cause shown, or if it finds that literal application of ~~such acts~~ the act works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of ~~such acts~~ the act. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required by this section.

Sec. 6. Section 49-14,140, Revised Statutes Supplement, 1994, is amended to read:

49-14,140. The Nebraska Accountability and Disclosure Commission Cash Fund is hereby created. The fund shall consist of funds received by the commission pursuant to sections 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01. ~~The fund shall not include late filing fees or civil penalties assessed and collected by the commission.~~ The fund shall be used by the commission in administering the Nebraska Political Accountability and Disclosure Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7. Any money in the Campaign Finance Limitation Cash Fund on the effective date of this act shall be transferred to the Nebraska Accountability and Disclosure Commission Cash Fund.

Sec. 8. Original sections 49-1446, 49-1455, 49-14,122, and 49-14,129, Reissue Revised Statutes of Nebraska, and sections 49-14,123 and 49-14,140, Revised Statutes Supplement, 1994, are repealed.

Sec. 9. The following sections are outright repealed: Sections 32-1601 to 32-1609 and 32-1611, Reissue Revised Statutes of Nebraska, and sections 32-1610 and 77-27,119.04, Revised Statutes Supplement, 1994.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1241

1. Strike the original sections and all amendments

thereto and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) ~~Election period shall mean the calendar year of the election;~~

~~(2)~~ Expenditure shall mean the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries;

(2) General election period shall mean the period beginning with the eleventh day after the statewide primary election through December 31 following the statewide general election; and

(3) Primary election period shall mean the period beginning with January 1 of the calendar year of the election ~~period~~ through the ~~thirty-fifth~~ tenth day following the primary election.

Sec. 2. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the general election period if he or she limits his or her ~~campaign spending~~ expenditures for the general election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the general election period, a candidate for Governor shall limit his or her ~~spending~~ expenditures for the general election period to one million ~~five hundred thousand~~ dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her ~~spending~~ expenditures for the general election period to one hundred ~~fifty~~ thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her ~~spending~~ expenditures for the general election period to ~~fifty~~ thirty-five thousand dollars. ~~, and such candidates shall limit their spending for the primary election period to not exceed fifty percent of the limits provided in this subsection for the election period.~~

(3) Each candidate desiring to receive public funds pursuant to this section shall (a) ~~beginning January 1 of~~ during the general election period, raise an amount equal to at least

twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, ~~on the day he or she files for the office~~ prior to receiving a certificate of nomination, a written declaration of intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, ~~on the day he or she files for the office~~ prior to receiving a certificate of nomination, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(4) Any candidate who does not file the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, ~~on the day he or she files for the office~~ prior to receiving a certificate of nomination, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the ~~primary~~ general election period. The estimate of expenditures ~~for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated in the primary election shall file an estimate of expenditures for the remainder of the total election period on or before the fortieth day following the primary election. The estimate of expenditures for the remainder of the election period~~ may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

Sec. 3. Section 32-1605, Reissue Revised Statutes of Nebraska, is amended to read:

32-1605. ~~Any individual who files to appear on the ballot for an elective office specified in subsection (1) of section 32-1604 shall file a copy of the written declaration that was filed with the Nebraska Accountability and Disclosure Commission as provided in subsections (3) and (4) of section 32-1604 at the same time and with the same official with whom the individual files for office.~~ Candidates for an elective office specified in subsection (1) of section 32-1604 who qualify other than by ~~filing~~ receiving a certificate of nomination, shall file a written declaration as provided in subsections (3) and (4) of section 32-1604 with the commission within five days after qualifying for the ballot. A filing to appear on the ballot for the general election for an office specified in subsection (1) of section 32-1604 shall not be accepted by a filing official unless a written declaration is properly filed.

Sec. 4. Section 32-1606, Reissue Revised Statutes of Nebraska, is amended to read:

32-1606. (1) Any candidate who has satisfied the requirements of subsection (3) of section 32-1604 may, upon spending twenty-five percent of the spending limitation for the general election period prescribed in such section, file an affidavit with the commission setting forth these facts and requesting public funds. If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection (4) of section 32-1604 is greater than the spending limitations as provided in subsection (2) of section 32-1604 for the office, the candidate shall be entitled to receive the difference between the spending limitation and the highest estimated maximum expenditure filed by any of the candidate's opponents. The commission shall compute the amount of the payment to be made to a candidate.

(2) Public funds to which a candidate is entitled under this section shall be disbursed to that candidate within two weeks after the last date to amend an affidavit pursuant to subsection (4) of section 32-1604.

(3) Public funds received pursuant to this section shall be kept in a separate account in a financial institution in this state, shall be used only to make expenditures, and shall not be counted against the spending limitations prescribed in section 32-1604. Any unexpended public funds shall be repaid to the state on or before December 31 of the general election period.

(4) Expenditures from public funds received pursuant to this section shall be reported to the commission on forms prescribed by the commission and in accordance with rules and regulations adopted and promulgated by the commission.

Sec. 5. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. During the general election period, no candidate shall accept contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated, are in excess of ~~seven hundred fifty~~ five hundred thousand dollars for a candidate for Governor, ~~seventy-five~~ fifty thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and ~~twenty-five thousand~~ seventeen thousand five hundred dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of

Nebraska, or the State Board of Education.

Sec. 6. Section 49-1455, Reissue Revised Statutes of Nebraska, is amended to read:

49-1455. The campaign statement of a committee, other than a political party committee, shall contain the following information:

(1) The filing committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its committee treasurer;

(2) Under the heading RECEIPTS, the total amount of contributions received during the period covered by the campaign statement; under the heading EXPENDITURES, the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals for the general election period and the primary election period. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment shall be subtracted from the total amount of contributions received. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as a contribution by the third party but shall not be included in the totals. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures;

(3) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

(4) The full name of each individual from whom contributions totaling more than one hundred dollars are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for the general election period and the primary election period;

(5) The full name of each person, except those individuals reported under subdivision (4) of this section, which contributed a total of more than one hundred dollars during the period covered by the report together with the person's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for the general election period and the primary election period;

(6) The name of each committee which is listed as a contributor shall include the full name of the committee's treasurer;

(7) The full name and street address of each person to whom expenditures totaling more than one hundred dollars were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and

street address of the person providing the consideration for which any expenditure was made if different from the payee;

(8) The amount and the date of expenditures for or against a candidate or ballot question during the period covered by the campaign statement and the cumulative amount of expenditures for or against that candidate or ballot question for the general election period and the primary election period. An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both; and

(9) The total amount of funds disbursed by a separate segregated political fund, by state, for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, including independent expenditures made in such elections.

For purposes of this section, general election period and primary election period shall be as defined in section 32-1603.

Sec. 7. Original sections 32-1603 to 32-1606, 32-1608, and 49-1455, Reissue Revised Statutes of Nebraska, are repealed.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

(Amendment, AM1242, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Reconsider Action on LB 548

Mrs. Witek moved to reconsider the Bernard-Stevens amendment found in the Journal on page 1282.

Laid over.

VISITORS

Visitors to the Chamber were Brenda, Alisha, Dana, and Nicole Gonnerman and Edward Guerra from Tecumseh; 31 seniors and teacher from West Point Central Catholic School; 12 juniors, seniors, and teacher from Conestoga High School, Murray; 13 seniors and teacher from Coleridge; 45 fifth grade students and sponsor from Davenport and Clarmar Schools, Fremont; and Senator Schrock's parents, Sam and Eileen Schrock, from Holdrege.

RECESS

At 11:53 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Hillman and Robak who were excused; and Messrs. Abboud, Avery, Brashear, Chambers, Dierks, Hall, Jones, Kristensen, Matzke, Robinson, Schmitt, Will, and Mrs. Pirsch who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 19, 175, 179, and 274.

Enrollment and Review Change to LB 19
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9022
1. In the Lindsay amendment, AM1193, on page 2, line 13, the semicolon has been struck and an underscored comma inserted.

Enrollment and Review Change to LB 179
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9023
1. In the Maurstad amendment, AM0196, on page 1, line 5, "second" has been struck and "third" inserted.
2. On page 1, lines 1 and 3 and 4, "and employees" has been struck.

Enrollment and Review Change to LB 274
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9024
1. In the Elmer amendment, FA91, on page 1, line 1, "a" has been inserted after "except".
2. On page 2, line 19, "a" has been inserted after the first comma and "an" has been inserted after the first "or".

LEGISLATIVE BILL 840. Placed on Select File as amended.
(E & R amendment, AM7077, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 377A. Placed on Select File.
LEGISLATIVE BILL 406A. Placed on Select File.

LEGISLATIVE BILL 658A. Placed on Select File as amended.
E & R amendment to LB 658A:
AM7078
1. On page 1, line 3, strike "and"; and in line 4 before the period insert "; and to declare an emergency".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 377. The McKenzie pending amendment, AM1076, found in the Journal on page 1207 and considered on page 1225, was renewed.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, FA82, found in the Journal on page 1225, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, FA82, found in the Journal on page 1225.

Messrs. Bernard-Stevens, Wehrbein, Withem, and Mrs. McKenzie renewed their pending substitute amendment, AM1166, found in the Journal on page 1264, to the McKenzie pending amendment.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Bernard-Stevens asked unanimous consent to replace the Bernard-Stevens et al. substitute amendment, AM1166, with a substitute amendment. No objections. So ordered.

Messrs. Bernard-Stevens, Wehrbein, Withem, and Mrs. McKenzie withdrew their amendment, AM1166, found in the Journal on page 1264.

Mr. Bernard-Stevens offered the following substitute amendment to the McKenzie pending amendment:
FA95
Amend AM1076

1. Strike section 4 and insert the following new section:

"Sec. 4. (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, $8,000,000 per fiscal year.

(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following years:

(a) For each of fiscal years 1997-98 and 1998-99, $7,000,000 per fiscal year;

(b) For fiscal year 1999-2000, $6,000,000; and

(c) For fiscal year 2000-01, $6,000,000.".

2. On page 1, line 15, after the period insert "The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.".

3. On page 3, line 25, before "The" insert "(1)"; and in line 27 strike beginning with the second "the" through the second "following".

SPEAKER WITHEM PRESIDING

The Bernard-Stevens amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Schrock offered the following amendment to the McKenzie pending amendment:
AM1117

(Amendments to AM1076)

1. On page 1, line 9, after the period insert "The excise tax shall not be levied on corn or grain sorghum grown by a nonresident of Nebraska on land outside of Nebraska unless the corn or grain sorghum is sold to an ethanol facility in Nebraska.".

MR. LINDSAY PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schrock amendment lost with 11 ayes, 16 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

SPEAKER WITHEM PRESIDING

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 492. Placed on General File as amended.

Standing Committee amendment to LB 492:
AM0880

1. Strike original sections 12, 13, 15, 17, and 18 and insert the following new sections:

"Sec. 12. Section 71-1,286, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,286. As used in sections 71-1,285 to 71-1,294, and section 18 of this act unless the context otherwise requires:

(1) Assessment means the process of evaluating the nutritional status of patients. The assessment includes review and analysis of medical and diet histories, biochemical lab values, and anthropometric measurements to determine nutritional status and appropriate nutritional treatment;

(2) Board means the Board of Examiners in Medical Nutrition Therapy;

(3) General nutrition services includes, but is not limited to:

(a) Identifying the nutritional needs of individuals and groups in relation to normal nutritional requirements; and

(b) Planning, implementing, and evaluating nutrition education programs for individuals and groups in the selection of food to meet normal nutritional needs throughout the life cycle;

(4) Licensed medical nutrition therapist means a person who is licensed to practice medical nutrition therapy pursuant to the Uniform Licensing Law and who holds a current license issued by the department pursuant to section 71-1,290;

(5) Medical nutrition therapy means the assessment of the nutritional status of patients. It involves the assessment of patient nutritional status followed by treatment, ranging from diet modification to specialized nutrition support, such as determining nutrient needs for enteral and parenteral nutrition, and monitoring to evaluate patient response to such treatment;

(6) Patient means a person with a disease, illness, injury, or medical condition for which nutritional interventions are an essential component of standard care; and

(7) Consultation means conferring with a physician regarding the activities of the licensed medical nutrition therapist.

~~(1) Board shall mean the Board of Examiners in Dietetics and Nutrition;~~

~~(2) Certified nutritionist shall mean a person who is certified to practice dietetic and nutrition services pursuant to the Uniform Licensing Law and who holds a current certificate issued by the department pursuant to section 71-1,290; and~~

~~(3) Dietetic and nutrition services shall mean the offering or rendering of nutritional services to individuals or groups and shall include, but not be limited to:~~

~~(a) Assessment of nutritional requirements of individuals and groups using anthropometric, biochemical, clinical, dietary,~~

~~and demographic data for clinical, research, and program planning purposes;~~

~~(b) Development, implementation, and evaluation of nutritional care plans for individuals and groups which establish priorities, goals, and objectives for meeting nutritional needs consistent with scientific knowledge and procedures; and~~

~~(c) Provision of nutritional counseling and education as components of preventative, curative, and restorative health care throughout the life cycle.~~

Sec. 13. Section 71-1,287, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,287. After September 1, ~~1989~~ 1996, no person shall ~~represent himself or herself as a certified nutritionist~~ practice medical nutrition therapy unless he or she is ~~certified~~ licensed for such purpose pursuant to the Uniform Licensing Law. The practice of medical nutrition therapy shall not include:

(1) Any person licensed or certified in this state pursuant to Chapter 71 and engaging in such profession or occupation for which he or she is licensed or certified;

(2) Any student engaged in an academic program under the supervision of a licensed medical nutrition therapist as part of a major course of study in human nutrition, food and nutrition, or dietetics, or an equivalent major course of study approved by the board and who are designated with a title which clearly indicates those persons' status as students or trainees;

(3) Persons practicing medical nutrition therapy who serve in the Armed Forces, the Public Health Service, or are employed by the United States Department of Veterans Affairs, if their practice is limited to that service or employment;

(4) Persons practicing medical nutrition therapy who are licensed in another state, United States possession, or country, or have received at least a baccalaureate degree and are in this state for the purpose of:

(a) Consultation, if the practice in this state is limited to consultation; or

(b) Conducting a teaching clinical demonstration in connection with a program of basic clinical education, graduate education, or postgraduate education which is sponsored by a dietetic education program or a major course of study in human nutrition, food and nutrition, or dietetics, or an equivalent major course of study approved by the board;

(5) Persons performing general nutrition services incidental to the practice of the profession insofar as it does not exceed the scope of their education and training;

(6) Persons who market or distribute food, food materials, or dietary supplements, including persons employed in health food stores, or persons engaged in the advising of the use of those products, or the preparation of those products, or the counseling of individuals or groups in the selection of products to

meet general nutrition needs;

(7) Persons conducting classes or disseminating information related to general nutrition services;

(8) Persons who care for the sick in accordance with the tenets and practices of any bona fide church or religious denomination;

(9) Persons who provide information and instructions regarding food intake or exercise as a part of a weight control program; and

(10) Persons with advanced postgraduate degrees involved in academic teaching or research.

Sec. 15. Section 71-1,289, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,289. A person shall be qualified to be a ~~certified nutritionist~~ licensed medical nutrition therapist if such person furnishes evidence that he or she:

(1) Has met the requirements for and is a registered dietitian by the American Dietetic Association or an equivalent entity recognized by the board;

(2)(a) Has satisfactorily passed an examination approved by the board;

(b) Has received a baccalaureate degree from an accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, or an equivalent major course of study approved by the board; and

(c) Has satisfactorily completed a program of supervised clinical experience approved by the department. Such clinical experience shall consist of not less than nine hundred hours of a planned continuous experience in human nutrition, food and nutrition, or dietetics under the supervision of an individual meeting the qualifications of this section; or

(3)(a) Has satisfactorily passed an examination approved by the board; and

(b)(i) Has received a master's or doctorate degree from an accredited college or university in human nutrition, nutrition education, foods and nutrition, or public health nutrition or in an equivalent major course of study approved by the board; or

(ii) Has received a master's or doctorate degree from an accredited college or university which includes a major course of study in clinical nutrition. Such course of study shall consist of not less than a combined two hundred hours of biochemistry and physiology and not less that seventy-five hours in human nutrition.

For purposes of this section, accredited college or university means an institution currently listed with the United States Secretary of Education as accredited. Applicants who have obtained their education outside of the United States and its territories shall have their academic degrees validated as equivalent to a baccalaureate or master's degree conferred by a United States regionally accredited college or university.

The practice of medical nutrition therapy shall be performed under the consultation of a physician licensed pursuant to section 71-1,104 or sections 71-1,137 to 71-1,141.

~~(1)(a) Has received a baccalaureate or postbaccalaureate degree from a regionally accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of study approved by the department;~~

~~(b) Has satisfactorily completed a program of supervised clinical experience approved by the department. Such clinical experience shall consist of not less than nine hundred hours of a planned continuous experience in dietetic and nutrition services under the supervision of an individual meeting the qualifications of a certified nutritionist; and~~

~~(c) Except as provided in section 71-1,291, has satisfactorily passed the examination approved by the board; or~~

~~(2) Has received a master's or doctorate degree from a regionally accredited college or university in human nutrition, nutrition education, foods and nutrition, or public health nutrition or in an equivalent major course of study approved by the department.~~

Sec. 17. Section 71-1,291, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,291. Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice medical nutrition therapy, a license ~~dietetic and nutrition services, a certificate~~ to practice as a ~~certified nutritionist~~ medical nutrition therapist shall be issued without examination to any applicant who (1) applies to the department for a ~~certificate~~ license by September 1, ~~1989~~ 1996, and (2)(a) satisfies the requirements ~~established in~~ of subdivision (1) of section 71-1,289, (b) satisfies the requirements of subdivisions (2)(b) and (2)(c) of section 71-1,289, (c) satisfies the requirements of subdivision (2)(b) of section 71-1,289 and has been practicing medical nutrition therapy with the general public for at least five years, or (d) satisfies the requirements of subdivision (3)(b) of section 71-1,289.

Any person who is a certified nutritionist on the operative date of this act who applies to the department for a license on or before September 1, 1996, shall be issued a license to practice as a medical nutrition therapist without examination upon payment of the fee provided in section 71-162.

Sec. 18. Pursuant to section 71-139, the board shall grant license to any applicant who presents proof of current licensure as a medical nutrition therapist or licensure by some other title in another state which has licensure requirements considered by the board to be at least as stringent as the requirements for licensure prescribed by section 71-1,289.".

2. On page 17, line 4, after "examinations" insert an underscored comma.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM1132

(Amendments to the E & R amendments, AM7058)

1. Strike section 14 and insert the following new sections:

"Sec. 8. Section 60-315, Reissue Revised Statutes of Nebraska, is amended to read:

60-315. (1)(a) Upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage certificate of title is issued, (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, ~~or~~ (e) in case of a change in the tax situs of a motor vehicle to a location outside of this state, (f) upon a trade-in or surrender of a motor vehicle under a lease, or (g) upon a return to inventory by the dealer, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs and by either making affidavit to the county treasurer or designated county official as provided in section 60-302 of the occurrence of an event described in subdivisions (a) through (d), (f), or (g) of this subsection or, in the case of a change in tax situs, displaying to the county treasurer or designated county official the registration certificate of such other state as evidence of a change in tax situs, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of the event, except that when such date falls within the same calendar month in which the vehicle or trailer is acquired, no refund shall be allowed for such month. The registered owner shall make a claim for credit or refund of the unused fees within sixty days from the date of the event or shall be deemed to have forfeited his or her right to such refund. For purposes of this subsection, the date of the event shall be, in the case of a transfer or loss, the date of the transfer or loss, in the case of a change in the tax situs, the date of registration in another state, in the case of a legislative act, the effective date of the act, ~~and~~ in the case of a court decision, the date the decision is rendered, in the case of a trade-in or surrender under a lease, the date of the termination of a lease, and in the case of a return to dealer inventory, the date of such return. Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within thirty days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer or designated county official showing that a motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the county treasurer or designated county official of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer or designated county official shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee for the remainder of the registration year.

Sec. 13. Section 77-1239, Revised Statutes Supplement, 1994, is amended to read:

77-1239. (1) The Tax Commissioner shall prepare a schedule of values for motor vehicles already manufactured or being manufactured.

(2) In preparation of the schedule of values for cabin trailers and motor homes, the Tax Commissioner shall deduct the value of household goods which are included in the value of the motor vehicle and which are exempt from taxation pursuant to subdivision (1)(d) of section 77-202.

(3) The Tax Commissioner shall adjust the schedule for current model year motor vehicles which have been previously licensed and registered or have over ten thousand miles on the odometer at the time of sale. The adjustment shall be at least a

fifteen percent reduction in value.

Sec. 14. Section 77-1240.03, Revised Statutes Supplement, 1994, is amended to read:

77-1240.03. (1) Upon the transfer of title ownership of any motor vehicle, upon a change in the tax situs of a motor vehicle to a location outside of this state, upon the return of a motor vehicle registered by a dealer to the inventory of the dealer, upon a trade-in or surrender of a motor vehicle under a lease, or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, the transferor, in the case of a transfer, the owner, in the case of a change in the tax situs, the dealer, in the case of a return to inventory, the lessor, in the case of a trade-in or surrender under a lease, or the last registered owner, in the case of a legislative act or court decision, shall be credited with or refunded the tax for the number of unexpired months remaining in the registration period from the date of transfer, date of registration in another state, date of return to inventory, date of trade-in or surrender, effective date of the legislative act, or date the court decision is rendered, except that when the motor vehicle is transferred, the tax situs is changed, the motor vehicle is returned to inventory, the motor vehicle is traded-in or surrendered, a legislative act is enacted, or a court decision is rendered within the same calendar month in which the vehicle is acquired, no credit or refund of the tax shall be allowed for that month.

(2) If the transferor, dealer, or lessor acquires another motor vehicle at the time of the transfer, return, trade-in, or surrender the transferor, dealer, or lessor shall have the credit provided for in this section applied toward payment of the motor vehicle tax then owing. Otherwise the transferor shall file a claim for refund with the county assessor upon a form prescribed by the Auditor of Public Accounts.

(3) The transferor, owner, dealer, lessor, or last registered owner shall make a claim for credit or refund of the tax for the unexpired months in the registration period within sixty days from the date of transfer, date of registration in another state, date of return to inventory, date of trade-in or surrender, effective date of the legislative act, or date the court decision is rendered or shall be deemed to have forfeited his or her right to the refund.

(4) The county assessor shall certify to the county treasurer the amount of tax refund and the taxing unit where the motor vehicle is registered. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed, but no refund of less than two dollars shall be paid.

(5) If a county board consolidates services under the office of a designated county official other than the county assessor pursuant to section 23-186, the claim for refund shall be filed with the designated county official.

Sec. 17. Sections 1 to 7, 9 to 12, 15, 16, 18, and 20 become operative on January 1, 1996. The other sections of this bill become operative three calendar months after the adjournment of this legislative session.

Sec. 19. Original section 60-315, Reissue Revised Statutes of Nebraska, and sections 77-1239 and 77-1240.03, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM1131

1. On page 2, line 20, after "means" insert "the costs of health insurance premiums and".

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Jones, 43.

WHEREAS, the International Order of Job's Daughters is a premier organization for young women that provides a wholesome environment based on the foundation of high morals, love of country, love of family and friends, and respect for others throughout the world; and

WHEREAS, Job's Daughters is a living organization dedicated to meeting the needs of young women today and their challenges of tomorrow; and

WHEREAS, Job's Daughters is a quality organization that fosters a sense of pride in achievement for each and all members as they prepare to become the adult leaders of the future; and

WHEREAS, Job's Daughters' membership is based on young women between the ages of 11 and 20 who have a Masonic relationship; and

WHEREAS, Job's Daughters' ideals are based on the Old Testament Book of Job, and places particular emphasis on the 42nd chapter, 15th verse, which reads "And in all the land were found no women so fair as the daughters of Job; and their Father gave them inheritance among their brethren."; and

WHEREAS, the story of Job calls all to remain steadfast in their trust and faith in God despite any calamities which may befall them, which is a virtue that applies to human beings everywhere; and

WHEREAS, 1995 is the 75th Anniversary of Job's Daughters; and

WHEREAS, October 20, 1920, is considered the birthday of Job's Daughters; and

WHEREAS, Job's Daughters was started in Omaha, Nebraska, by Ethel T. Wead Mick; and

WHEREAS, Nebraska has over 1,200 members of Job's Daughters; and

WHEREAS, there are currently over 22,000 members of Job's Daughters in five countries (the United States, Canada, Australia, the Philippines, and Brazil); and

WHEREAS, Nebraska has 51 Bethels located in the communities of Omaha, Grand Island, Alliance, North Platte, Lincoln, Kearney, Central City, Hastings, Scottsbluff, Chadron, Kimball, Nebraska City, Fremont, Bayard, Norfolk, York, Broken Bow, Ogallala, Bridgeport, Plattsmouth, Sidney, Mitchell, Gothenburg, Morrill, Cozad, Beatrice, Gering, Oakland, Ainsworth, Columbus, Lexington, Oshkosh, Valentine, David City, Papillion, Hay Springs, Tekamah, Superior, Bellevue, St. Paul, Blair, and Geneva; and

WHEREAS, the international headquarters, known as the Supreme Office, is located at 233 West 6th, Papillion, Nebraska; and

WHEREAS, the Memorial Room, along with Mother Mick's Grave, are located in Omaha; and

WHEREAS, an international pilgrimage will be held May 19, 20, and 21, 1995, in Omaha to celebrate the 75th Anniversary of Job's Daughters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding achievements and history of the International Order of Job's Daughters.
2. That copies of this resolution be presented to Mary Ann Coupland and Chanda Miller.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 337A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 337, Ninety-fourth Legislature, First Session, 1995.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 377. Mr. Schrock offered the following amendment to the McKenzie pending amendment:
AM1133

(Amendments to AM1076)

1. On page 7, line 24, strike "Highway Trust Fund", show as stricken, and insert "Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 2 of this act from corn and grain sorghum".

The Schrock amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1137, found in the Journal on page 1235, to the McKenzie pending amendment.

The Kristensen amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The McKenzie amendment, AM1076, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
FA96

Add on line 6 page 2 of AM1137 to LB 377 "an average" and strike on line 7 page 2 of same the words "at the"

The Bernard-Stevens amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 68. Ms. Schimek renewed her pending amendment, AM0750, printed separately from the Journal and referred to on page 1015.

The Schimek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Ms. Schimek withdrew her amendment, AM0898, found in the Journal on page 1212.

Ms. Schimek renewed her pending amendment, AM1230, found in the Journal on page 1317.

The Schimek amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 6CA. E & R amendment, AM7052, found in the Journal on page 1039, was adopted.

Mrs. Bohlke asked unanimous consent to replace her pending amendment, FA74, found in the Journal on page 981 and considered on page 1019, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke withdrew her amendment, FA74, found in the Journal on page 981 and considered on page 1019.

Mrs. Bohlke offered the following substitute amendment:
AM0812

(Amendments to Standing Committee amendments, AM0475)

1. On page 1, lines 13, 17, and 21; page 2, line 27; page 3, line 18; page 5, line 27; page 6, lines 3 and 7; and page 7, lines 11, 15, 22, and 25 strike "Governor" and insert "president".

Mrs. Bohlke moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Bohlke requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Avery
Bernard-Stevens
Bohlke
Brown
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Robinson
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 19:

Beutler
Brashear
Bromm
Crosby
Cudaback
Dierks
Fisher
Jensen
Jones
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Witek

Present and not voting, 1:

Schrock

Excused and not voting, 6:

Abboud Coordsen Hillman McKenzie Robak
Chambers

The Bohlke amendment lost with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks offered the following amendment:
AM1099

(Amendments to Standing Committee amendments, AM0475)

1. On page 5, line 13, after the period insert "Passage of this amendment shall not eliminate the powers of initiative and referendum from this Constitution.".

Mr. Dierks asked unanimous consent to replace his pending amendment, AM1099, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his amendment, AM1099.

Mr. Beutler offered the following substitute amendment:
AM0956

(Amendments to Standing Committee amendments, AM0475)

1. On page 1, line 4, strike "7" and insert "9"; and strike lines 6 through 24 and insert the following:

"XVIII-1 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

XVIII-2 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'

XVIII-3 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall not be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-4 'The provisions of Article XVIII, sections 1 through 3, of this Constitution terminate on January 1, 1999, but are applicable to initiative and referendum measures filed with the Secretary of State before such date.'

XVIII-5 'The Legislature wishes to provide an alternative procedure for initiative and referendum measures in Article XVIII, sections 6 through 8, of this Constitution that provides different requirements when volunteer uncompensated circulators are utilized. The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 6 through 8, of this Constitution and wants to provide time for court review. The Legislature therefore has delayed the operative date of Article XVIII, sections 6 through 8, of this Constitution. If Article XVIII, sections 6 through 8, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 1 through 3, of this Constitution shall not terminate and shall continue in effect.'

XVIII-6 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition has been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-7 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-8 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of

State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-9 'Except as provided in Article XVIII, section 5, of this Constitution, the provisions of Article XVIII, sections 6 through 8, of this Constitution become operative on January 1, 1999, and apply to initiative and referendum measures filed with the Secretary of State on or after such date.'.".

2. Strike pages 2 through 8.

3. On page 9, strike lines 1 and 2; and strike beginning with "an" in line 10 through "unconstitutional" in line 13 and insert "a separate alternative system for initiative and referendum measures that changes the number of signatures needed when volunteer uncompensated circulators are utilized".

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Dierks requested a roll call vote on the Beutler amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 24:

Avery
Beutler
Brashear
Bromm
Cudaback
Dierks
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Landis
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Voting in the negative, 16:

Bernard-Stevens
Bohlke
Crosby
Elmer
Hall
Hartnett
Kristensen
Lindsay
Lynch
Matzke
Schimek
Warner
Wesely
Wickersham
Will
Withem

Present and not voting, 3:

Brown
Day
Maurstad

Excused and not voting, 6:

Abboud
Chambers
Coordsen
Hillman
McKenzie
Robak

The Beutler amendment lost with 24 ayes, 16 nays, 3 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM1222

(Amendments to Standing Committee amendments, AM0439)

1. Insert the following new section:

"Sec. 7. The Department of Agriculture shall establish and maintain the Domesticated Cervine Animal Registry which shall monitor the location, kind, and number of domesticated cervine animals as defined in section 54-701.03 which are kept or reared within the state. A registration required under the registry shall state (1) the name, residence, and place of business of the owner, (2) the legal description of the land on which such animals are kept or reared, and (3) the kind and approximate number of animals to be kept or reared on such land. The registration shall be completed by December 31 of each year and within thirty days after any change in ownership or location of a domesticated cervine animal herd. Failure to comply with this section is a Class IV misdemeanor.".

2. On page 2, lines 26 and 27, strike the new matter.

3. On page 3, line 1, strike the new matter; and in line 2 after the period insert "Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 7 of this act.".

4. On page 6, line 4, before "It" insert "(1)"; strike beginning with "not" in line 7 through "include" in line 8 and insert "including"; in line 9 after "hearing" insert "and consultation with the Department of Agriculture"; in line 17 strike "section", show as stricken, and insert "subsection"; and after line 18 insert the following new subsection:

"(2) Following public hearing and consultation with the Department of Agriculture, the commission may, by rule and regulation, regulate or limit the importation and possession of any wild vertebrate animal, including a domesticated cervine animal as defined in section 54-701.03, which is found to constitute a serious threat to economic or ecologic conditions.".

5. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 385 in the Journal. No objections. So ordered.

AM1271

1. On page 2, line 23; and page 11, line 16, strike "doctor" and insert "medical".

2. On page 4, after line 19 insert the following new subdivision:

"(c) The Nebraska Workers' Compensation Court or its agents or employees;"; in line 20 strike "(c)" and insert "(d)"; and in line 22 strike "(d)" and insert "(e)".

3. On page 6, line 27, after "person" insert "or entity".

4. On page 7, line 28, strike "or".

5. On page 8, line 4, after "action" insert "; or

(4) Limit any of the powers granted elsewhere by the laws of this state to the Nebraska Workers' Compensation Court to investigate and examine possible violations of law and to take appropriate action".

6. On page 10, line 28, strike "(1)(c)" and insert "(2)(c)".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1216

(Amendments to E & R amendments, AM7054)

1. Insert the following new section:

"Sec. 25. Section 43-107, Reissue Revised Statutes of Nebraska, is amended to read:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1994, upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(i) For adoption placements occurring on or after January 1, 1994, upon the filing of a petition for adoption, a preplacement adoptive home study shall be filed with the county court, which study is completed by the department, ~~or~~ a licensed child placement agency, or a certified master social worker within one year before the date on which the adoptee is placed with the petitioner or petitioners and indicates that the placement of a child for the purpose of adoption would be appropriate.

(ii) An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that for petitions filed on or after January 1, 1994, the county judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a Nebraska criminal history record information check and to request the department to conduct and file a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the Nebraska criminal history record information check and the check of the central register.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department, ~~or~~ a licensed child placement agency, or a certified master social worker and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department, ~~or~~ a licensed child placement agency, or a certified master social worker and filed with the county court at least one week prior to the hearing for adoption.

(v) Any adoptive home study required by this section shall be conducted by the department, ~~or~~ a licensed child placement agency, or certified master social worker at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child placement agency. The department, ~~or~~ licensed agency, or certified master social worker shall determine the fee or rate for the adoptive home study.

(vi) The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a Nebraska criminal history record information check and a check of the central register created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Bureau of Vital Statistics. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.".

2. On page 14, line 19, before the first comma insert "or by virtue of section 43-1203".

3 On page 20, line 19, after the third comma insert "43-107,".

4. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1169

(Amendments to AM1113)

1. Strike the original amendments and insert the following new amendments:

"1. On page 3, line 24; and page 4, line 15, strike 'fifty' and insert 'eighty-five'.".

Messrs. Lindsay and Hall asked unanimous consent to print the following amendment to LB 300 in the Journal. No objections. So ordered.

AM1121

1. Insert the following new section:

"Sec. 2. Section 77-2734.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2734.02. (1) ~~A~~ Except as provided in subsection (2) of this section, a tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) An insurance company shall be subject to taxation at the lesser of the rate described in subsection (1) of this section or the rate of tax imposed by the state or country in which the insurance company is domiciled if the insurance company can establish to the satisfaction of the Tax Commissioner that it is domiciled in a state or country other than Nebraska that imposes on Nebraska domiciled insurance companies a retaliatory tax against the tax described in subsection (1) of this section.

(3) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

~~(3)~~ (4) Each corporate taxpayer shall file only one income tax return for each taxable year.".

2. On page 3, line 22, strike "section 77-2716.03" and insert "sections 77-2716.03 and 77-2734.02"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM1190

(Amendments to AM1118)

1. Strike sections 46 and 47.

2. On page 35, line 20, before "The" insert "(1)".

3. On page 36, after line 7 insert the following new subsection:

"(2) Subsection (1) of this section becomes operative on

July 1, 1997.".

4. On page 37, line 4, strike "and" and insert "in line 8 strike 'and 81-2266' and insert '81-2266, and 81-2269';".

5. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 750 in the Journal. No objections. So ordered.

AM1274

(Amendments to Standing Committee amendments, AM0941)

1. Strike sections 17 and 18.

2. Remove underscoring in the remaining sections.

Mr. Wesely asked unanimous consent to print the following amendment to LR 6CA in the Journal. No objections. So ordered.

AM1269

(Amendments to AM0475)

1. On page 1, line 18; and page 5, line 20, after the period insert "Only signatures of registered voters who have signed the petition within the six months prior to filing with the Secretary of State shall be counted.".

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Hudkins, 21; Schrock, 38.

WHEREAS, Raymond Central High School and Holdrege High School shared the Nebraska High School Speech State Championship on March 24, 1995; and

WHEREAS, Raymond Central High School earned its fifth Class B state title in the annual Nebraska High School Speech State Championship; and

WHEREAS, Holdrege High School earned its first Class B state title in the annual Nebraska High School Speech State Championship; and

WHEREAS, the accomplishments of these students and their respective coaches deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Raymond Central High School and the Holdrege High School speech teams and their parents and coaches.

2. That a copy of this resolution be sent to the Raymond Central High School speech team and coach Dan Johnson.

3. That a copy of this resolution be sent to the Holdrege High School speech team and coach Linda Crandell.

Laid over.

VISITORS

Visitors to the Chamber were 25 fourth grade students and sponsor from Pawnee City.

The Doctor of the Day was Dr. Wall from Bellevue.

ADJOURNMENT

At 5:04 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTY-SECOND DAY - MARCH 28, 1995

LEGISLATIVE JOURNAL

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NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Carl Godwin, Bible Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Coordsen and Mrs. Hillman who were excused; and Messrs. Abboud, Bernard-Stevens, Beutler, Brashear, Bromm, Chambers, Landis, Lindsay, Pedersen, Robinson, Wesely, Wickersham, Will, Ms. Day, Mmes. McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 399. Placed on Select File as amended.
E & R amendment to LB 399:
AM7079

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 49-1401, Revised Statutes Supplement, 1994, as amended by section 3, Legislative Bill 28, Ninety-fourth Legislature, First Session, 1995, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and sections 4 to 6 of this act and section 2 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act.

Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 2. (1) Beginning on the effective date of this act, a candidate committee shall not accept more than fifteen thousand dollars in loans prior to or during the first thirty days after formation of the candidate committee. After such thirty-day period and until the end of the term of the office to which the candidate sought nomination or election, the candidate committee shall not accept loans in an aggregate amount of more than fifty percent of the contributions of money, other than the proceeds of loans, which the candidate committee has received during such period as of the date of the receipt of the proceeds of the loan. A candidate committee shall not pay interest, fees, gratuities, or other sums in consideration of a loan, advance, or other extension of credit to the candidate committee by the candidate, a member of the candidate's immediate family, or any business with which the candidate is associated.

(2) The penalty for violation of this section shall be a civil penalty of not less than one thousand dollars and not more than the amount of money received by a candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

Sec. 3. Original section 49-1401, Revised Statutes Supplement, 1994, as amended by section 3, Legislative Bill 28, Ninety-fourth Legislature, First Session, 1995, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, after "1994" insert ", as amended by section 3, Legislative Bill 28, Ninety-fourth Legislature, First Session, 1995"; in line 3 after the semicolon insert "to provide a penalty;"; and in line 4 strike "and" and after "section" insert "; and to declare an emergency".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1180

(Amendments to E & R amendments, AM7075)

1. On page 1, line 8; and page 4, line 7, strike "mental illness" and insert "severe, persistent, and disabling psychiatric disorders".

2. On page 1, lines 14 and 15; page 2, lines 26 and 27; and page 5, lines 9 and 10, strike beginning with "disabled" through "illness" and insert "with severe, persistent, and disabling psychiatric disorders".

3. On page 2, line 24, strike "and".

4. On page 3, line 2, before "case" insert "psychiatric rehabilitation services,"; and in line 5 after "services" insert "; and

(5) Severe, persistent, and disabling psychiatric disorders includes schizophrenia, bipolar disorder, and other psychiatric disorders".

5. On page 4, line 8, before "rehabilitation" insert "psychiatric".

Ms. Schimek asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1240

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated $150,000 from the General Fund for FY1995-96 to the Campaign Finance Limitation Cash Fund, which fund is hereby appropriated to the Nebraska Accountability and Disclosure Commission, for Program 95, to aid in carrying out the provisions of the Campaign Finance Limitation Act.".

GENERAL FILE

LEGISLATIVE BILL 109A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 712A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 461. E & R amendment, AM7065, found in the Journal on page 1193, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 6CA. Mr. Dierks reoffered his amendment, AM1099, found in the Journal on page 1361.

Mr. Dierks withdrew his amendment.

Mr. Beutler withdrew his amendment, AM1146, found in the Journal on page 1253.

Mr. Wesely renewed his pending amendment, AM1269, found in the Journal on page 1372.

Mr. Bernard-Stevens offered the following amendment to the Wesely pending amendment:
FA97
Amend AM1269 - Strike in line three the words "six months" and insert "1 yr.".

Messrs. Pedersen and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 14:

Bernard-Stevens
Bohlke
Brown
Chambers
Day
Elmer
Hall
Hartnett
Kristensen
Lynch
Matzke
Robak
Wesely
Withem

Voting in the negative, 26:

Beutler
Bromm
Crosby
Cudaback
Dierks
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Landis
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 3:

Avery
Maurstad
McKenzie

Excused and not voting, 6:

Abboud
Brashear
Coordsen
Hillman
Lindsay
Will

The Wesely amendment lost with 14 ayes, 26 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Dierks offered the following amendment:
AM1292

(Amendments to Standing Committee amendments, AM0475)

1. On page 1, line 4, strike "7" and insert "9"; and strike lines 6 through 24 and insert the following:

"XVIII-1 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

XVIII-2 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'

XVIII-3 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall not be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-4 'The provisions of Article XVIII, sections 1 through 3, of this Constitution terminate on January 2, 1999, but are applicable to initiative and referendum measures filed with the Secretary of State before such date.'

XVIII-5 'The Legislature wishes to provide an alternative procedure for initiative and referendum measures in Article XVIII, sections 6 through 8, of this Constitution that provides different requirements when volunteer uncompensated circulators are utilized. The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 6 through 8, of this Constitution and wants to provide time for court review. The Legislature therefore has delayed the operative date of Article XVIII, sections 6 through 8, of this Constitution. If Article XVIII, sections 6 through 8, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 1 through 3, of this Constitution shall not terminate and shall continue in effect.'

XVIII-6 'The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition has been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-7 'The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.'

XVIII-8 'The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Initiative and referendum measures shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.'

XVIII-9 'Except as provided in Article XVIII, section 5, of this Constitution, the provisions of Article XVIII, sections 6 through 8, of this Constitution become operative on January 2, 1999, and apply to initiative and referendum measures filed with the Secretary of State on or after such date.'.".

2. Strike pages 2 through 8.

3. On page 9, strike lines 1 and 2; and strike beginning with "an" in line 10 through "unconstitutional" in line 13 and insert "a separate alternative system for initiative and referendum measures that changes the number of signatures needed when volunteer uncompensated circulators are utilized".

MRS. CROSBY PRESIDING

Mr. Hall offered the following amendment to the Dierks pending amendment:
AM1308

(Amendments to AM1292)

1. Strike amendments 1 and 3 and insert the following new amendments:

"1. On page 1, strike lines 3 through 24 and insert:

'To amend Article III, sections 2 and 3':

III-2 'The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the ~~registered voters~~ electors of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such ~~registered voters~~ electors. In all cases the ~~registered voters~~ electors signing such petition shall be so distributed as to include five percent of the ~~registered voters~~ electors of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

III-3 'The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the ~~registered voters~~ electors of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the ~~registered voters~~ electors of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'.".

SPEAKER WITHEM PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hall requested a roll call vote on his amendment.

Mrs. Witek requested the roll call vote be taken in reverse order.

Voting in the affirmative, 14:

Avery
Bernard-Stevens
Bohlke
Day
Fisher
Hall
Hartnett
Kristensen
Lindsay
Lynch
Maurstad
Robak
Warner
Wesely

Voting in the negative, 25:

Beutler
Bromm
Crosby
Cudaback
Dierks
Hudkins
Janssen
Jensen
Jones
Landis
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 5:

Brown
Chambers
Elmer
Engel
Schimek

Excused and not voting, 5:

Abboud
Brashear
Coordsen
Hillman
Will

The Hall amendment lost with 14 ayes, 25 nays, 5 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 85. Introduced by Crosby, 29; Schrock, 38.

WHEREAS, Willa Sibert Cather was born in the Back Creek Valley of Virginia, and was raised in rural Webster County, Nebraska, and in Red Cloud, Nebraska; and

WHEREAS, Willa Cather entered the University of Nebraska in 1890, graduated in 1895, and went on to win the Pulitzer Prize and become this country's foremost woman writer; and

WHEREAS, the University of Nebraska's Center for Great Plains Studies and University of Nebraska-Lincoln's Department of English are the primary organizers of "Willa Cather's University Days, A Centennial Celebration, 1895-1995," on April 6th to the 8th, 1995; and

WHEREAS, "Willa Cather's University Days" will consist of readings from various texts of Willa Cather's books, guided tours of Cather-related sites and exhibits on the university campus, talks on Willa Cather by Cather experts, and receptions. There will also be optional activities such as a tour of historic Red Cloud and an informal readers' theatre performance of "Willa Unbound" at the University of Nebraska-Lincoln Department of Theatre Arts and Dance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and commends the University of Nebraska-Lincoln's Department of English and the Center for Great Plains Studies for organizing this seminar on aspects of the life of Willa Cather.
2. That a copy of this resolution be sent to the University of Nebraska's Center for Great Plains Studies and to the Department of English, University of Nebraska-Lincoln, Lincoln, Nebraska.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 68A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 68, Ninety-fourth Legislature, First Session, 1995.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LR 6CA in the Journal. No objections. So ordered.

AM1309

(Amendments to Standing Committee amendments, AM0475)

1. On page 4, lines 20 and 21, and page 8, lines 20 and 21, strike "facilitate their operation" and insert "provide a mechanism by which such provisions may become operable".

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment, AM1228, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wickersham asked unanimous consent to print the following amendment to LB 701A in the Journal. No objections. So ordered.

AM1253

1. Insert the following new section:

"Sec. 2. The appropriation for FY1995-96 to the Public Employees Retirement Board for Program 515, shall be reduced by $300,751 General Funds. The appropriation for FY1996-97 to the Public Employees Retirement Board for Program 515, shall be reduced by $300,751 General Funds.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1276

(Amendments to Standing Committee amendments, AM0903)

1. On page 1, line 7, before the period insert "for any crimes which occurred during the period it opted out of the act"; and in line 9 after "1" insert "for any crimes which occur on or after such January 1".

VISITORS

Visitors to the Chamber were 100 seniors and sponsors from Millard South; Larry Howard, Erv Eisenmenger, Kent Kuhr, and Nadine Hagedorn from West Point and Paul Peters from Pender; 21 sixth grade students, teachers, and guest from Johnson Brock; 75 women from the Tri Diocesan Council of Catholic Women; 49 eighth grade students and teacher from Mission Middle School, Bellevue; and 65 fourth grade students and teacher from Norman Rockwell Elementary, Omaha.

RECESS

At 12:09 p.m., on a motion by Mr. Warner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Hillman, Stuhr, and Mr. Pedersen who were excused; and Messrs. Abboud, Avery, Coordsen, Dierks, Hall, Landis, Robinson, Warner, Ms. Day, and Mrs. Witek who were excused until they arrive.

MR. KRISTENSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 168. The Jones-Wickersham pending amendment, AM1246, found in the Journal on page 1335, as amended, was renewed.

Mr. Withem offered the following amendment to the Jones-Wickersham pending amendment:
AM1302

(Amendments to AM1246)

1. On page 1, line 23, after "(d)" insert "if the affected agency determines that the proposed rule or regulation or the amendment or repeal of the rule or regulation might constitute a potential taking of property,".

Mr. Withem asked unanimous consent to replace his pending amendment, AM1302, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his amendment, AM1302.

Mr. Withem offered the following substitute amendment to the Jones-Wickersham pending amendment:
AM1315

(Amendments to AM1246)

1. On page 1, line 23, after "(d)" insert " if the proposed rule or regulation or the amendment or repeal of the rule or regulation may constitute or allow a taking of property,".

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cudaback moved the previous question. The question is, "Shall the debate now close?"

Mr. Cudaback moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Withem amendment was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Jones-Wickersham pending amendment:
FA98
Amend AM1246
P. 2, line 1, strike "with or without compensation"

SPEAKER WITHEM PRESIDING

Mr. Kristensen and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers amendment was adopted with 28 ayes, 3 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Jones-Wickersham pending amendment:
FA99
Amend AM1246 as follows
strike the following beginning on page 2, line 2

"and (ii) the estimated but not necessarily quantified fiscal impact on the state"

strike on page 2, line 4 the words "and fiscal impact"

MR. BERNARD-STEVENS PRESIDING

Messrs. Cudaback, Robinson, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Jones requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 21:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Hall
Hartnett
Janssen
Jensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pirsch
Preister
Schimek
Wesely
Will
Witek
Withem

Voting in the negative, 8:

Bromm
Crosby
Fisher
Jones
Matzke
Schrock
Warner
Wickersham

Present and not voting, 10:

Avery
Bohlke
Coordsen
Dierks
Elmer
Engel
Hudkins
Schellpeper
Schmitt
Vrtiska

Excused and not voting, 10:

Abboud
Cudaback
Day
Hillman
Kristensen
Pedersen
Robak
Robinson
Stuhr
Wehrbein

The Beutler amendment lost with 21 ayes, 8 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

The Jones-Wickersham pending amendment, AM1246, as amended, was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Mr. Wesely and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved to indefinitely postpone LB 168.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the Bernard-Stevens motion to indefinitely postpone.

Voting in the affirmative, 10:

Bernard-Stevens
Beutler
Hall
Landis
Lindsay
Lynch
Preister
Schimek
Will
Withem

Voting in the negative, 24:

Bohlke
Brashear
Bromm
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
Pirsch
Robinson
Schellpeper
Schmitt
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 6:

Avery
Brown
Chambers
Coordsen
Hartnett
Schrock

Excused and not voting, 9:

Abboud
Day
Hillman
Kristensen
McKenzie
Pedersen
Robak
Stuhr
Wesely

The Bernard-Stevens motion to indefinitely postpone lost with 10 ayes, 24 nays, 6 present and not voting, and 9 excused and not voting.

Pending.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Lindsay asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

FA100

1. On page 2, line 5, of AM1246, after "obtained" insert "and, (e) an analysis of whether the proposed rule or regulation infringes in any manner upon any person's right to keep and bear arms."

Mr. Lindsay asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

FA101

1. On page 2, line 5 of AM1246 after "obtained" insert "and (e) an analysis of whether the proposed rule or regulation infringes in any manner upon any person's rights under Article I, Section 4 of the Nebraska constitution and under the first amendment to the constitution of the United States"

Mr. Landis asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

AM1177

1. On page 5, after line 14, insert the following new subsection:

"(3) A registered limited liability partnership organized pursuant to the act shall be deemed to be a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska, except that a registered limited liability partnership in which the partners are members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day-to-day labor and management of the farm or ranch, and none of whom are nonresident aliens, shall not be deemed to be a syndicate for purposes of Article XII, section 8, of the Constitution of Nebraska.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 19A in the Journal. No objections. So ordered.

AM1314

(Amendments to Final Reading copy)

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $95,225 from the General Fund for FY1995-96 and (2) $283,580 from the General Fund for FY1996-97 to the Supreme Court, for Program 6, to aid in carrying out the provisions of Legislative Bill 19, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $81,546 for FY1995-96 or $244,638 for FY1996-97.

Sec. 2. There is hereby appropriated (1) $40,296 from the General Fund for FY1995-96 and (2) $122,864 from the General Fund for FY1996-97 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 19, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $32,379 for FY1995-96 or $97,137 for FY1996-97.".

Mrs. McKenzie and Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM1313

(Amendments to Standing Committee amendments, AM0869)

1. Insert the following new sections:

"Section 1. The State Board of Education, with the assistance of the State Department of Education, shall review existing rules and regulations relating to special education as defined in section 79-3314. All rules or regulations, or portions thereof, not required by state law, federal law, or federal regulation shall be repealed or modified, so that the rules and regulations do not require any action by school districts, educational service units, or approved cooperatives that is not required by state law, federal law, or federal regulation. The State Board of Education shall report to the Committee on Education of the Legislature by November 1, 1995, with preliminary recommendations for state laws that should be repealed, modified, or retained to reduce restrictions on school districts, educational service units, or approved cooperatives in the provision of special education services and programs. The board shall complete its duties under this section and report to the Committee on Education of the Legislature with final recommendations by November 1, 1996. The State Board of Education and the State Department of Education shall strengthen their roles in facilitating the effective and efficient delivery of quality special education services with an emphasis on technical assistance.

Sec. 2. (1) The Legislature finds that the funding system for special education programs shall be neutral as to identification and programming of services for students with unique needs. Further, the Legislature finds that programs for students with unique needs shall be, consistent with sound education practice, preventative and integrated with regular education services. Services for students with unique needs shall be driven by student and family needs rather than state funding formulas.

(2) It is the intent of the Legislature that, beginning with school year 1997-98, there shall be implemented a block grant system to replace the existing excess cost reimbursement provisions for the funding of special education programs offered by school districts, educational service units, and approved cooperatives.

To the extent possible, the block grant system shall be identification and program neutral, assure that adequate resources are available to meet unique needs of students, and provide for equity in services to students regardless of the district in which students reside. State funding shall be made available to meet the unique needs of students without the requirement that students be identified and verified.

(3) The Legislature recognizes that the shift from an excess cost reimbursement funding formula to a block grant formula for special education raises several issues which demand further examination and public discussion prior to implementation, including: (a) How to establish the basis for distribution of the block grants; (b) how to provide for the financial support of students with extremely disabling conditions and extraordinary needs which result in high costs to school districts beyond the districts' ability to reasonably provide for services utilizing block grant support and local resources; (c) how to establish the proper funding level for the block grants; (d) how to assure that funding for special education is maintained at the same levels of growth or decline as funding levels of general education; (e) how to establish educational practices for delivery of quality services; (f) how block grant funding should be integrated with general state aid to be consistent with the principles of student and taxpayer equity underlying the state's equalization aid program; (g) how to phase in block grant funding to minimize financial impacts on school districts; (h) how accountability for appropriate educational needs shall be established for school districts, educational service units, or approved cooperatives to qualify for block grant funding; and (i) how the State Department of Education can integrate the administration of block grant funding to eliminate duplication in aid payments, accounting, and reporting of expenditures. It is the intent of the Legislature that these issues shall be addressed jointly through active collaboration of the Special Education Accountability Commission, the School Finance Review Committee, the State Department of Education, and the Education Committee of the Legislature.

Sec. 5. Section 79-3366, Reissue Revised Statutes of Nebraska, is amended to read:

79-3366. There is hereby created the Special Education Accountability Commission. The commission shall consist of ~~thirteen~~ fifteen members as follows: One representative from the Governor's office, one public school classroom teacher not in special education, one public school special education teacher, one administrator or administrative staff member not involved in special education, ~~one~~ two special education ~~administrator~~ administrators or administrative staff ~~member~~ members, two parents, one representative of postsecondary special education, one school district business manager, one school board member, and four representatives not directly related to the administration, delivery, or receipt of special education services, all appointed by the Governor with the consent of a majority of the Legislature upon the recommendations of associations and organizations representing parents, teachers, school administrators, and school board members. Members ~~shall be~~ appointed before the effective date of this act ~~no later than September 1, 1993, and~~ shall serve for one three-year term. Members appointed after the effective date of this act shall serve terms which terminate on the date the term of the three-year members terminates. A vacancy shall be filled by the Governor for the remainder of the term. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 6. Section 79-3368, Reissue Revised Statutes of Nebraska, is amended to read:

79-3368. (1) The Special Education Accountability Commission shall develop an accountability system which adequately measures efficiency and effectiveness of special education programs in a cost-effective manner. The commission shall:

(a) Review all applicable federal and state laws;

(b) Examine the funding mechanism, address issues, and make recommendations relating to the mechanics for implementation of a block grant funding system as described in section 2 of this act, or in the alternative make recommendations for a funding system which will accomplish the goals stated by the Legislature in the findings contained in section 2 of this act. In making such recommendations the commission shall actively collaborate with the members and staff of the School Finance Review Committee and the State Department of Education;

(c) Review any regulatory or procedural changes to determine compatibility with existing law, fiscal impact, and impact on student outcomes;

(d) Review findings of previous committees which have conducted similar studies; and

(e) ~~Develop~~ Address issues and make recommendations for accountability measures for special education, including recommendations for (i) broad frameworks for special education program standards; ~~(f) Establish~~ (ii) a system for assessing student outcomes; and ~~(g) Focus efforts on the establishment of~~ (iii) a system for management and monitoring of special education costs and their impact on total education costs. The commission shall also make recommendations for an accountability report which will describe the services provided to students with unique needs and the impacts of those services in the education and post-education performance of such students. Such report shall be incorporated into the State Department of Education data systems and integrated with any accountability measures or student assessment system recommended by the Nebraska Schools Accountability Commission and implemented by the State Department of Education. ~~; and~~

~~(h) Select~~ (2)(a) The commission shall select demonstration sites for the purpose of pilot implementation of program models which can document cost containment while maintaining appropriate services to children with disabilities. Demonstration sites shall be exempt from the provisions of the Special Education Act but shall comply with the federal Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 et seq. The State Board of Education may also waive the application of any provision in its rules and regulations adopted and promulgated under Chapter 79 when application of such provisions would directly limit the ability of the pilot program to accomplish its stated goals. The commission shall assist the ~~The~~ State Department of Education in monitoring and evaluating ~~shall monitor~~ each demonstration site to determine how such site would differ if it were not exempt from the Special Education Act and the rules and regulations adopted and promulgated under Chapter 79 and waived pursuant to this section.

(b) In lieu of any payments or reimbursement from the State Department of Education authorized pursuant to sections 79-3325, 79-3332, 79-3333, and 79-3335, school districts, educational service units, or cooperatives of school districts operating demonstration sites may, upon the approval of the commission, receive from the State Department of Education a special needs block grant for support of an approved pilot program of up to the amount it received as special education payments or reimbursement for the prior school year plus an additional amount based on the percentage increase in the general fund budget of expenditures of the school district, educational service unit, or cooperative of school districts for the ensuing school year. Costs of the pilot programs shall be considered as allowable costs, upon approval of the commission, and shall be included in the final financial report of school districts, educational service units, or cooperatives of school districts for purposes of reimbursement of district, educational service unit, or cooperative programs in subsequent years. Pilot programs may include a portion or all of the students with disabilities served at a demonstration site. If a portion of the students are included in the pilot program, the total block grant shall reflect only the proportion of students included compared to the total costs of the program for all students served at the demonstration site.

(3) ~~(2)~~ The commission shall annually report its activities and recommendations to the ~~Education~~ Committee on Education of the Legislature, the ~~Appropriations~~ Committee on Appropriations of the Legislature, and the State Board of Education and shall make its final report on or before September 1, 1996. The ~~, except that~~ initial recommendations for statutory or procedural changes in the funding mechanism shall be made on or before November 1, 1994. The second report shall include any preliminary recommendations regarding the implementation of a block

grant or alternative funding system as described in section 2 of this act and subsection (1) of this section and shall be due December 1, 1995. The final report shall include the commission's evaluation of pilot programs, recommended legislation to implement a block grant or alternative funding system as described in section 2 of this act and subsection (1) of this section, and recommendations for accountability measures for special education.

Sec. 7. Sections 3 and 4 of this act and sections 79-3333, 79-3335, and 79-3336, terminate on August 31, 1997.

Sec. 8. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 4, line 4, strike "and 79-3332" and insert ", 79-3332, 79-3366, and 79-3368".

3. Renumber the remaining sections accordingly.

Mr. Will asked unanimous consent to print the following amendment to LR 30CA in the Journal. No objections. So ordered.

AM1300

1. On page 3, line 3, strike "and" and show as stricken; and in line 6 after "taxation" insert "; and (12) Nothing in this section shall prevent the Legislature from exempting from taxation property owned by a statutorily recognized airport authority".

Mr. Withem asked unanimous consent to print the following amendment to LR 6CA in the Journal. No objections. So ordered.

AM1311

(Amendments to Standing Committee amendments, AM0475)

1. On page 4, lines 20 and 21, and page 8, lines 20 and 21, strike "legislation may be enacted to facilitate their operation" and insert "the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 109A. Placed on Select File.
LEGISLATIVE BILL 712A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 189A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 859A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 859, Ninety-fourth Legislature, First Session, 1995.

VISITORS

Visitors to the Chamber were Pat and Bob Grove from Lincoln; and Craig Anderson from Grand Island.

ADJOURNMENT

At 4:35 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-THIRD DAY - MARCH 29, 1995

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - MARCH 29, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 29, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Roger Nelson, First Presbyterian Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Abboud and Mrs. Hillman who were excused; and Messrs. Hall, Kristensen, Lindsay, Robinson, Will, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 168. Mr. Chambers offered the following amendment:
FA102

Amend amendment AM1246 by adding a new section:
"Each and every provision of the Constitution and laws of the United States and of the State of Nebraska is hereby incorporated by reference and each agency shall undertake an anlysis with reference to

such provisions, of the same type as that required with regard to the potential taking of property.

Mrs. Brown, Messrs. Schrock, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA103
Amend Chambers amendment
In the second line, strike "and laws."

PRESIDENT ROBAK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 18:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Elmer
Hall
Hartnett
Landis
Lynch
McKenzie
Pedersen
Pirsch
Preister
Schimek
Warner
Witek
Withem

Voting in the negative, 15:

Avery
Bromm
Coordsen
Crosby
Dierks
Engel
Fisher
Janssen
Jones
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wickersham

Present and not voting, 7:

Day
Jensen
Matzke
Maurstad
Robak
Wehrbein
Wesely

Excused and not voting, 9:

Abboud
Bohlke
Cudaback
Hillman
Hudkins
Kristensen
Lindsay
Robinson
Will

The Chambers amendment lost with 18 ayes, 15 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Ms. Day, Mr. Wesely, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Chambers requested a roll call vote on his amendment, FA102.

Voting in the affirmative, 3:

Chambers
Hall
Preister

Voting in the negative, 24:

Avery
Bromm
Coordsen
Crosby
Dierks
Elmer
Fisher
Jensen
Jones
Landis
Matzke
Pedersen
Pirsch
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 11:

Bernard-Stevens
Beutler
Brashear
Brown
Engel
Hartnett
Janssen
Lynch
Maurstad
Robak
Wesely

Excused and not voting, 11:

Abboud
Bohlke
Cudaback
Day
Hillman
Hudkins
Kristensen
Lindsay
McKenzie
Robinson
Will

The Chambers amendment lost with 3 ayes, 24 nays, 11 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA104
Add subdivision (e) to subsection (1) of Jones AM1246:

(e) an analysis of any potential impact on the right of the people peaceably to assemble and to petition the government or any department thereof.

Mr. Bromm and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jones asked unanimous consent to bracket LB 168 until April 5, 1995.

Mr. Chambers objected.

Mr. Jones moved to bracket LB 168 until April 5, 1995.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Jones motion to bracket:
FA105
Amend Jones motion
To Bracket till June 15th.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

AM1320
(Amendments to Standing Committee amendments, AM0916)
1. On page 2, line 23, strike "of" and show as stricken; and in line 25 strike "or organization", show as stricken, and insert "in the use of its name".

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 46CA. Placed on General File as amended.
Standing Committee amendment to LR 46CA:
AM0016
1. On page 1, line 17, after "county" insert "voting on the question".

(Signed) C. N. "Bud" Robinson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 86. Introduced by Brown, 6.

WHEREAS, Dr. Melvin E. Jenkins, Jr., is a renowned international physician and lecturer in the field of pediatrics; and

WHEREAS, Dr. Jenkins served as chairman of the Department of Pediatrics and Child Health at Howard University College of Medicine from 1973 to 1986; and

WHEREAS, Dr. Jenkins served as professor and vice-chairman of the Department of Pediatrics at the University of Nebraska Medical Center from 1971 to 1973; and

WHEREAS, Dr. Jenkins has a distinguished record of service to children, his community, and his profession; and

WHEREAS, Howard University is establishing the Melvin E. Jenkins Lectureship in honor of this servant to our most vulnerable population -- our children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature commends Dr. Melvin E. Jenkins, Jr., for his outstanding contributions in the field of pediatrics.
2. The Legislature salutes his outstanding service to the children of Nebraska during his tenure at the University of Nebraska Medical Center and his lifelong personal commitment to improving the health of all children.

Laid over.

VISITORS

Visitors to the Chamber were 37 eighth grade students and sponsor from St. Columbkille School, Papillion; fourth grade students and teachers from Sandoz School, Lexington; and 68 fourth grade students and sponsor from St. Wenceslaus School, Omaha.

RECESS

At 11:47 a.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Hall presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Pedersen who were excused; and Mmes. Bohlke, Pirsch, Messrs. Coordsen, Cudaback, Landis, Lindsay, and Will who were excused until they arrive.

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 490. Title read. Considered.

PRESIDENT ROBAK PRESIDING

Standing Committee amendment, AM0904, found in the Journal on page 1085, was considered.

Messrs. Wehrbein, Engel, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen offered the following amendment:
AM1294

1. On page 3, strike beginning with "Commissioners" in line 17 through line 18 and insert "The term of the member from district 1 expires two years after the first appointment under this section, the term of the member from district 2 expires four years after first appointment under this section, and the term of the member from district 3 expires six years after first appointment under this section. After the initial terms are completed, each term shall be for six years and shall expire on a staggered basis every two years.".

2. On page 4, line 7, before the semicolon insert ", including complex industrial properties and mass-appraisal techniques"; in line 9 strike "and"; after line 9 insert the following new subdivision:

"(e) Any certification or training required of Nebraska assessment officers; and"; in line 10 strike "(e)" and insert "(f)"; and after line 23 insert the following new subsection:

"(5) During each year of their term each commission member shall attend a seminar or class of at least two days duration, sponsored by a recognized assessment or appraisal organization in each of these areas: Utility and railroad appraisal; appraisal of complex industrial properties; and mass appraisal, residential or agricultural appraisal, or assessment administration.".

3. On page 75, line 13, before the period insert "and shall meet all the qualifications required for members of the Tax Equalization and Review Commission under section 4 of this act".

4. In the Standing Committee amendments, AM0904, on page 1, line 8, after the period insert "The commission may suspend or remove any assessment official from office for failure to comply with any order of the commission.".

Mr. Hall requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:
FA106

1. On page 3, strike beginning with "Commissioners" in line 17 through line 18 and insert "The term of the member from district 1 expires two years after the first appointment under this section, the term of the member from district 2 expires four years after first appointment under this section, and the term of the member from district 3 expires six years after first appointment under this section. After the initial terms are completed, each term shall be for six years and shall expire on a staggered basis every two years.".

2. On page 4, line 7, before the semicolon insert ", including complex industrial properties and mass-appraisal techniques"; in line 9 strike "and"; after line 9 insert the following new subdivision:

"(e) Any certification or training required of Nebraska assessment officers; and"; in line 10 strike "(e)" and insert "(f)"; and after line 23 insert the following new subsection:

"(5) During each year of their term each commission member shall attend a seminar or class of at least two days duration, sponsored by a recognized assessment or appraisal organization in each of these areas: Utility and railroad appraisal; appraisal of complex industrial properties; and mass appraisal, residential or agricultural appraisal, or assessment administration.".

3. On page 75, line 13, before the period insert "and shall meet all the qualifications required for members of the Tax Equalization and Review Commission under section 4 of this act".

The first Kristensen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The second Kristensen amendment is as follows:
FA107

4. In the Standing Committee amendments, AM0904, on page

1, line 8, after the period insert "The commission may suspend or remove any assessment official from office for failure to comply with any order of the commission.".

The second Kristensen amendment lost with 0 ayes, 25 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Witek and Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Will and Brashear asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1361

(Amendments to AM1119)

1. Strike section 9.

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

AM1349

1. Insert the following new section:

"Section 1. Section 79-1233, Reissue Revised Statutes of Nebraska, is amended to read:

79-1233. (1) ~~No~~ Except as provided in subsection (2) of this section, no person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in community colleges.

(2) Any person who holds a valid certificate or permit to teach issued by another state may be employed as a substitute teacher in any public, private, denominational, or parochial school in this state for not more than ten working days if he or she begins the application process, on the first employment day, for a Nebraska substitute teacher's certificate and the issuance of such certificate is pending.

(3) Public, private, denominational, or parochial schools

in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.".

2. On page 4, line 17, strike "section" and insert "sections 79-1233 and"; and in line 18 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Messrs. Landis and Fisher asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

AM1357

1. Insert the following new sections:

"Sec. 5. Section 8-179, Reissue Revised Statutes of Nebraska, is amended to read:

8-179. The resulting state bank shall file a statement with the department, under the oath of its president or cashier, showing that the procedure prescribed by the laws of the United States and by this state have been followed, and setting forth in the statement the matter prescribed by ~~sections~~ section 8-121 and ~~8-123~~ sections 6 to 8 of this act, and pay the fees prescribed therein, and thereupon the department shall issue to such corporation the certificate provided for in section 8-122 and a charter to transact the business provided for in its articles of incorporation. The department may accept good assets of any such national bank, worth not less than par, in lieu of the payment otherwise provided by law for the stock of such resulting bank. When the parties requesting the conversion, merger, or consolidation are officers or directors of either the national bank or of the state bank they shall be accepted without investigation as parties of integrity and responsibility. Unless the resulting bank is at a different location than the former national or state bank the department shall recognize the public necessity, convenience, and advantage of permitting the resulting bank to engage in business.

Sec. 6. For purposes of sections 6 to 8 of this act, unless the context otherwise requires:

(1) Department means the Department of Banking and Finance; and

(2) Financial institution means:

(a) A state-chartered or federally-chartered bank, savings bank, building and loan association, savings and loan association, industrial loan and investment association, or credit union;

(b) A subsidiary of a bank holding company or out-of-state bank holding company; or

(c) A branch of a financial institution described in subdivision (a) or (b) of this subdivision.

Sec. 7. Section 8-123, Reissue Revised Statutes of Nebraska, is amended to read:

~~8-123.~~ It shall be unlawful for two or more ~~banks~~ financial institutions in the same city, village, or county in this state to have or use the same name or names so nearly alike as to cause confusion in transacting business. In all cases ~~where such~~ in which a similarity of names now exists, or may hereafter exist, a complaint may be made to the department. If ~~, and if~~ in the judgment of the department ~~such~~ a similarity does exist and ~~does create~~ creates confusion in conducting the business of either or both ~~of such banks~~ financial institutions, the department may by order require the ~~junior bank~~ financial institution which is junior in time ~~or organization~~ in the use of its name in such city, village, or county to ~~so~~ change or modify its name ~~as~~ to prevent ~~such~~ confusion. The ~~, and the~~ change of name ~~so made~~ shall be approved by the department.

Sec. 8. The department may adopt and promulgate rules and regulations to carry out the purposes of sections 6 and 7 of this act.

Sec. 12. Section 15-846, Reissue Revised Statutes of Nebraska, is amended to read:

15-846. For the security of the funds deposited as provided in section 15-845 the city treasurer shall require each depository to give bond for the safekeeping and payment of such deposits and the accretions ~~thereof~~ to the deposit, which bond shall run to the city and be approved by the ~~mayor~~ city attorney for form and legality. Such bond shall be conditioned that such a depository shall, at the end of every quarter, render to the treasurer a statement in duplicate showing the several daily balances, the amount of money of the city held by it during the quarter, the amount of the accretion ~~thereto~~ to the deposit, and how credited. The bond shall also be conditioned that the depository shall pay such deposit and the accretion when demanded by the city treasurer at any time, ~~generally do and~~ perform ~~whatever may be required~~ as required by sections 15-845 to 15-847, and faithfully discharge the trust reposed in such depository. Such bond shall be as nearly as practicable in the form provided in section 77-2304. No person in any way connected with any depository as officer or stockholder shall be accepted as a surety on any bond given by the depository of which he or she is an officer or stockholder. Such bond shall be deposited with the city clerk. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 13. Section 15-847, Revised Statutes Supplement, 1994, is amended to read:

15-847. In lieu of the bond required by section 15-846, any bank or capital stock financial institution making application to become a depository may deposit or pledge as security with the city treasurer (1) United States Government bonds, (2) bonds of the State of Nebraska or bonds of any state the bonds of which are purchased by the Board of Educational Lands and Funds of this state for investment of the permanent school fund, (3) warrants of the State of Nebraska, (4) county bonds, municipal bonds, or school district bonds of any county, city, village, or school district in the State of Nebraska issued under the direction of and with the approval of the Auditor of Public Accounts, (5) bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, (6) loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture, ~~or~~ (7) warrants of the county or any city, village, or school district in the county, or (8) mortgage-backed securities issued by either the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association. The penal sum of such bond or the sum of such pledge of assets may be reduced in the amount of such deposit insured by the Federal Deposit Insurance Corporation. The depository depositing or pledging securities described in this section shall have the right to substitute other approved securities as provided in this section in lieu of securities already pledged if it so desires at any time. The depository may at its option deposit or make the pledge of securities authorized in this section in the manner provided in section 77-2328. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 14. Section 15-848, Reissue Revised Statutes of Nebraska, is amended to read:

15-848. The city treasurer shall not have on deposit in any bank or capital stock financial institution at any time more than the maximum amount of the bond given by such financial institution if the financial institution gives a surety bond, nor in any financial institution giving a personal bond, more than one-half of the amount of the bond of such financial institution. The amount on deposit plus accretions at any time with any such financial institution shall not in either case exceed the paid-up capital stock and surplus of such financial institution or more than ~~ninety~~ ninety-eight percent of the ~~par~~ market value of the securities pledged or furnished by such financial institution when the financial institution pledges or deposits approved securities in lieu of a bond. The city treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond shall have been duly approved by the ~~mayor~~ city attorney as provided by section 15-846 or which has, in lieu of a surety bond, pledged or deposited approved securities as provided by section 15-847. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 18. Section 77-2306, Reissue Revised Statutes of Nebraska, is amended to read:

77-2306. (1) In lieu of a bond as provided in section 77-2305, any bank making application to become a depository under the provisions of sections 77-2301 to 77-2309 may deposit with the State Treasurer: (a) United States Government notes, certificates of indebtedness, or treasury bills of any issue; (b) bonds or obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; (c) bonds or obligations, including mortgage-backed obligations, issued by the Federal Home Loan Mortgage Corporation, the federal farm credit system, the Federal Home Loan Bank, or the Federal National Mortgage Association; (d) bonds or obligations of any county, city, village, sewer district, fire protection district, rural water district, or school district of this state which have been issued and registered as required by law; ~~(d)~~ (e) bonds or obligations of another state or a political subdivision of another state whose bonds are rated within the two highest classifications of prime by at least one of the standard ratings services; (f) bonds of the State of Nebraska or of any state the bonds of which are purchased by the Board of Educational Lands and Funds of this state for investment of the permanent school fund or warrants of the State of Nebraska; ~~(e)~~ (g) loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture; or ~~(f)~~ (h) registered warrants of any county, city, or school district of this state.

(2) When the deposit to be secured is in an interest-bearing account, there may be deposited with the State Treasurer in lieu of the bond as provided in section 77-2305 guaranty agreements of the Small Business Administration of the United States Government.".

2. In the E & R Amendment, AM7066, on page 1, line 4, strike "10" and insert "17" and after "1" insert ", and sections 6 to 8 of this act to a new article in Chapter 8"; and in line 6 strike "10" and insert "17".

3. On page 2, line 4, strike "10" and insert "17".

4. On page 13, line 13, after "sections" insert "8-123, 8-179," and strike "and 28-612" and insert "15-846, 15-848, 28-612, and 77-2306"; and in line 14 after the last comma insert "15-847,".

5. Renumber the remaining sections accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1324

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 24-802, Revised Statutes Supplement, 1994, is amended to read:

24-802. Except for the ~~member~~ judge of the Supreme Court who is required to be a member of a judicial nominating commission, each member or alternate member of a commission shall be a resident of the judicial district or area of the state served by such commission except as provided in subsection (2) of section 24-806. Except for the Chief Justice, the member of the Supreme Court designated to serve on a particular nominating commission shall not be a member who was originally selected from the district served by such nominating commission.

Sec. 2. Section 24-803, Revised Statutes Supplement, 1994, is amended to read:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members or alternate citizen members. The Governor shall appoint two alternate citizen members, not of the same political party, to each nominating commission. The term of office of an alternate citizen member of a commission shall be for a period of four years except that the initial appointments shall terminate on December 31, 1999. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate lawyer members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of

section 24-810.

(3) On and after January 1, 1997, members of the judicial nominating commissions for the office of judge of the district court shall also serve as members of the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that members of the judicial nominating commissions for district judge and county judge in districts 1, 3, 4, and 10 shall be appointed or selected separately to serve on such commissions.

Sec. 3. Section 24-806, Revised Statutes Supplement, 1994, is amended to read:

24-806. (1) Lawyer members and alternate lawyer members of any judicial nominating commission shall be members of the bar of the State of Nebraska and shall reside in the judicial district or area of the state served by the commission except as provided in subsection (2) of this section. Not more than two lawyer members of each commission shall be registered members of the same political party or category, and not more than two alternate lawyer members shall be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on or before September 1 of each even-numbered year. Nominations of lawyer members shall be made in writing and filed in the office of the Clerk of the Supreme Court on or before October 1 of each even-numbered year. Each nomination of a lawyer member shall be accompanied by a written consent of the nominee to serve as a member of the commission if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. At least two qualified lawyers shall be nominated for each position.

(2) If insufficient nominations are made to provide two candidates from the permissible political parties for each vacancy, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for the position so that there shall be two qualified candidates for each position. Such candidates need not reside in the judicial district or area served by such judicial nominating commission.

(3) The Clerk of the Supreme Court shall mail a ballot with the ~~names~~ name of each nominee to all members of the bar of Nebraska residing in the judicial district or area designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when the ballots will be opened and counted. The ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary

of State, and the Attorney General or by alternates designated by any of them to serve in his or her place. The Clerk of the Supreme Court shall insure that the election is so conducted as to maintain the secrecy of the ballot and the validity of the results. The candidate of the required political party receiving the highest number of votes shall be considered as having been elected to the commission. The candidate of the required political party receiving the next highest number of votes shall be considered as having been elected an alternate lawyer member of the commission and shall serve as a lawyer member of the commission in the event of a lawyer member vacancy of the same political party or category on the commission created either by resignation or disqualification. In the case of a resignation, ~~such~~ an alternate lawyer member shall continue to serve as a member of the commission until the term of office of his or her predecessor expires.

(4) In any election when more than one lawyer member of a judicial nominating commission is to be elected, the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest number of votes shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term, and if an alternate lawyer member ~~is~~ or members are to be elected, the candidate or candidates receiving the third and fourth highest number of votes shall be deemed elected as the alternate lawyer member or members. In case of ties the determination shall be made by lot by the counting board.

Sec. 4. Section 24-807, Revised Statutes Supplement, 1994, is amended to read:

24-807. Upon the selection of any lawyer member or alternate lawyer member of any judicial nominating commission, the Clerk of the Supreme Court shall promptly certify his or her selection to the Governor and the Secretary of State.

Sec. 5. Section 24-808, Reissue Revised Statutes of Nebraska, is amended to read:

24-808. Each year, on or before September 1, the Clerk of the Supreme Court shall determine what, if any, vacancies exist on any judicial nominating commission and shall report the status of each judicial nominating commission to the Governor. Vacancies relating to any members or alternate citizen members of such commissions appointed by the Governor shall be filled promptly by appointment by the Governor for the unexpired term. Vacancies of lawyer members or alternate lawyer members of ~~said~~ the judicial nominating commission shall be filled promptly by a special election for the unexpired term, conducted by the Clerk of the Supreme Court in the manner applicable to the regular election of lawyer members of ~~said~~ the commissions.

Sec. 6. Section 24-809, Revised Statutes Supplement,

1994, is amended to read:

24-809. The judge of the Supreme Court on each judicial nominating commission shall be the chairperson of the commission and shall preside at all of its meetings. He or she shall not be entitled to vote. In selecting or rejecting judicial nominees, the members of the commission shall vote by oral roll call vote. When it is determined that a judicial vacancy exists in a particular district, the Chairperson of the Commission shall determine whether there will be eight qualified members of the appropriate judicial nominating commission, including alternate members. If it is determined that there will not be eight members present and capable of voting at the time the commission meets to vote, the Chairperson of the Commission shall inform the Governor of the number of citizen members which need to be appointed and shall inform the Executive Director of the Nebraska State Bar Association of the number of lawyer members which need to be elected. The Governor shall promptly make such number of citizen appointments as are necessary. The Executive Council of the Nebraska State Bar Association shall nominate two lawyer candidates for each vacancy on the nominating commission which needs to be filled. The nominations shall be sent to the Clerk of the Supreme Court and the lawyer vacancies shall be filled by election as provided in section 24-806. There shall be eight qualified commission members present and capable of voting at the time the vote is taken. In the event that a nominating commission public hearing is postponed due to the lack of a full complement of commission members entitled to vote, the time limits specified in subsections (8) and (9) of section 24-810 shall be extended for an additional thirty days for each such postponement. The chairperson of the commission shall cause appropriate notice of the time and place of the newly scheduled judicial nominating commission public hearing to be published as provided in subsection (5) of section 24-810. The postponement of a commission hearing shall not extend the initial application filing deadline of twenty-one days prior to the initial public hearing. Each candidate shall receive ~~a majority vote of~~ five votes from the voting members of the nominating commission to have his or her name submitted to the Governor.

Sec. 7. Original section 24-808, Reissue Revised Statutes of Nebraska, and sections 24-802, 24-803, 24-806, 24-807, and 24-809, Revised Statutes Supplement, 1994, are repealed.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AM1343

1. Strike original sections 34, 41, and 42 and all amendments thereto and insert the following new sections:

"Sec. 13. Section 75-128, Revised Statutes Supplement, 1994, is amended to read:

75-128. (1) It is hereby declared to be the policy of the Legislature that all matters presented to the commission be heard and determined without delay. All matters requiring a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, which showing shall be recited in the order, shall the time fixed for hearing be more than six months after the date of filing of the application, complaint, or petition on which such hearing is to be had. Except in case of an emergency and upon a motion to proceed with less than a quorum made by all parties and supported by a showing of clear and convincing evidence of such emergency and benefit to all parties, a quorum of the commission shall hear all matters set for hearing. Except as otherwise provided in section 75-121 and except for good cause shown, a decision of the commission shall be made and filed within thirty days after completion of the hearing or after submission of affidavits in nonhearing proceedings.

(2) Applications for commission approval of specific new rates or charges or changes in existing rates or charges for telephone service which have not been heard and determined within six months and thirty days from the date the application was filed may be put into effect by the common carrier, in an amount not to exceed seventy-five percent of the total amount of the application, subject to refund of any amount collected in excess of the amount which would have been collected under the new or changed rates or charges as finally approved by the commission. The refund shall include an interest payment at a rate of interest determined by the commission, except that the rate of interest shall not exceed the overall rate of return which the common carrier is authorized to earn. When making its final determination on the application, the commission shall not consider the rates and charges of the company put into effect pending such final determination. This section shall not apply to rates or charges placed into effect under section 75-616.

(3) In the case of any proceeding upon which a hearing is held, the transcript of testimony shall be prepared and submitted to the commission prior to entry of an order, except that it shall not be necessary to have prepared prior to commission decision the transcripts of testimony on hearings involving noncontested proceedings and hearings involving emergency rate applications under section 75-121.

(4) For each application, complaint, or petition filed with the commission, except those filed under sections 75-301 to ~~75-322.04~~ 75-322, there shall be charged a filing fee to be determined by the commission, but in an amount not to exceed the sum of fifty dollars payable at the time of such filing. There shall also be charged to persons regulated by the commission a hearing fee of fifty dollars for each half day of hearings if the person regulated by the commission files an application, complaint, or petition which necessitates a hearing.

Sec. 16. Section 75-136, Revised Statutes Supplement, 1994, is amended to read:

75-136. If a party to any proceeding is not satisfied with the order entered by the commission other than an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act, such party may appeal to the Court of Appeals as provided in section 75-137 to reverse, vacate, or modify the order. In the case of an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act, the party may (1) seek the review of the Court of Appeals as provided in section 75-137 or (2) seek judicial review of the order under section 75-136.01. Subdivisions (1) and (2) of this section are mutually exclusive and the choice of either section 75-136.01 or 75-137 shall govern the appeal process.

Sec. 17. Section 75-136.01, Revised Statutes Supplement, 1994, is amended to read:

75-136.01. (1) Proceedings for review of an order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act shall be instituted by filing a petition in the district court of Lancaster County or in the district court of the county in which the party is domiciled within thirty days after the date of the mailing of a copy of the order by the commission to the party appealing. All parties of record shall be made parties to the proceedings for review. Summons shall be served within thirty days of the filing of the petition in the manner provided for service of a summons in a civil action. The court, in its discretion, may permit other interested persons to intervene. The filing of the petition or the service of the summons upon the commission shall not automatically stay enforcement of a decision. The commission may stay enforcement of a decision, or the court may order a stay after notice to the commission of application for a stay upon such terms as it deems proper and shall require the party requesting such stay to give bond in the amount specified in the order entered under sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act and conditioned as the court directs. Within fifteen days after service of the petition or within such further time as the court for good cause shown allows, the commission shall prepare and transmit to the court the verbatim testimony transcribed by the official stenographer, including all exhibits, which shall constitute the bill of exceptions. The pleadings, order appealed, and bill of exceptions duly certified to by the executive director of the commission shall constitute the complete record. A copy of the original order appealed, certified to be a true and correct copy by the executive director or a commissioner, shall be admitted in evidence as prima facie evidence of every fact found and that such order is prima facie just and reasonable.

(2) The review shall be conducted by the court without a jury on the record of the commission.

(3) The court may affirm the decision of the commission or remand the case for further proceedings or may reverse or modify

the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the commission; or

(c) Arbitrary or capricious.

(4) The commission or such party shall have the right to appeal the decision of the district court to the Court of Appeals under the rules provided by law for appeals to the Court of Appeals, except that in no case shall security for such appeal be required when the appeal is taken by the commission.

(5) The review provided by this section shall not be available in any case when other provisions of law prescribe the method of appeal.

Sec. 18. (1) In addition to other penalties and relief provided by law, the Public Service Commission may assess a civil penalty of up to five thousand dollars against any person, motor carrier, regulated motor carrier, common carrier, or contract carrier for the violation of (a) any provision of Chapter 75, article 3, sections 30 to 32, 44, and 45 of this act, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act, (b) any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act, or (c) any rule, regulation, or order of the commission issued pursuant to Chapter 75, article 3, and sections 30 to 32, 44, and 45 of this act. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(2) Upon notice and hearing in accordance with this section and section 19 of this act, the commission may enter an order assessing a civil penalty of up to one hundred dollars against any person, firm, partnership, corporation, cooperative, or association for (a) the violation of any provision of sections 75-604 and 86-805 or (b) failure to file an annual report as required by section 75-116 and as prescribed by commission rules and regulations. Each day during which the violation continues after the commission has issued an order finding that a violation has occurred constitutes a separate offense. Any party aggrieved by an order of the commission under this section has the rights of appeal set forth in section 75-136.01.

(3) When any person, motor carrier, regulated motor carrier, common carrier, or contract carrier is accused of any violation listed in subsection (1) of this section or when any

person, firm, partnership, corporation, cooperative, or association is accused of any violation listed in subsection (2) of this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule, regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

Sec. 19. Any hearing held pursuant to section 18 of this act shall be held pursuant to rules and regulations adopted and promulgated by the commission. Every decision and order rendered by the commission after the hearing is held shall be in writing and accompanied by findings of facts and conclusions of law. The decision or order shall be sent to the parties by certified or registered mail.

Sec. 20. A civil penalty assessed pursuant to section 18 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of Lancaster County. Any civil penalty collected shall be transmitted within thirty days from receipt to the State Treasurer for credit to the permanent school fund.

Sec. 25. Section 75-304, Revised Statutes Supplement, 1994, is amended to read:

75-304. The commission may establish such just and reasonable classifications of groups of carriers, included in the terms common carrier and contract carrier, as the special nature of the services performed by such carriers require and adopt and promulgate such just and reasonable rules, regulations, and requirements, to be observed by the carrier so classified or grouped, as the commission deems necessary or desirable in the public interest and as are consistent with the provisions of sections 75-301 to ~~75-322.04~~ 75-322. All certificates and permits issued by the commission shall be construed and interpreted, and the operations authorized thereunder shall be tested and determined, in accordance with such classification so established and any rule, regulation, or requirement prescribed by the commission relating to such carrier so classified.

Sec. 27. Section 75-305, Revised Statutes Supplement, 1994, is amended to read:

75-305. For purposes of sustaining the administration and enforcement of sections 75-301 to ~~75-322.04~~ 75-322, there is hereby fixed an application fee of seventy-five dollars payable by the applicant at the time of filing the application, except that such fee shall not apply to applications under sections 75-303.01 and 75-303.02. In addition thereto, every motor carrier subject to sections 75-301 to ~~75-322.04~~ 75-322 shall pay an annual fee not exceeding the sum of twenty-five dollars for each motor vehicle operated, which fee shall be fixed by the commission and shall not exceed the amount actually necessary to sustain the administration and enforcement of such sections. When the applicant has registered his or her motor vehicles under section 60-305.09, such fee of twenty-five dollars shall be payable on whichever shall be the lesser of (1) the proportion of his or her fleet so registered or (2) the number of motor vehicles owned by him or her and actually used in intrastate business within this state, except that such annual fee for any truck-trailer or tractor-trailer combination shall be forty dollars. In the case of a truck-trailer or tractor-trailer combination, only one license plate shall be required for such combination. Such annual fees shall be due and payable on or before January 1 and shall be delinquent on March 1 of each year after such permit or certificate has been issued. If the initial certificate or permit is issued to a motor carrier on or after July 1, the fee shall be fifty percent of the annual fee. Such fees shall be paid to and collected by the commission and remitted to the State Treasurer within thirty days of receipt for credit to the General Fund.

Sec. 28. Section 75-306, Revised Statutes Supplement, 1994, is amended to read:

75-306. Receipt for the payment of annual fees shall be issued by the commission. The commission shall issue sufficient license plates and renewal tabs to any motor carrier who is in compliance with sections 75-301 to ~~75-322.04~~ 75-322 and the rules and regulations of the commission, except contract carriers operating pursuant to section 75-303.01, for the purpose of identification of motor carriers subject to such sections and to distinguish those motor carriers from other commercial motor carriers not subject to such sections. The Director of Motor Vehicles shall prepare a form of license plate and renewal tab for such motor carriers and furnish a sufficient supply of them to the commission.

Sec. 46. Section 75-358, Reissue Revised Statutes of Nebraska, is amended to read:

75-358. Any person, private carrier, common carrier, or contract carrier operating any motor vehicle in violation of any provision of sections 75-348 to 75-358, any rule, regulation, or order of the commission, or any term or condition of any registration shall be guilty of a Class IV misdemeanor and shall also be subject to the provisions of sections ~~75-322.02 to 75-322.04~~ 18 to 20 of this act. Each day of such violation shall constitute a separate offense.

Sec. 53. The Revisor of Statutes shall assign sections

18 to 20 of this act to Chapter 75, article 1.".

2. On page 21, line 9, strike "sections", show as stricken, and insert "section"; and in line 10 strike "75-322.02 to 75-322.04", show as stricken, and insert "sections 18 to 20 of this act".

3. On page 26, line 7; page 30, line 27; page 34, line 28; page 41, line 8; page 42, line 25; page 44, line 2; and page 51, line 14, strike "75-322.04", show as stricken, and insert "75-322".

4. On page 33, line 12, strike "and"; in line 17 strike the new matter and reinstate the stricken matter; and after line 17 insert the following new subdivision:

"(11) A motor vehicle owned and operated by a nonprofit entity organized for the purpose of furnishing electric service.".

5. On page 38, line 5, strike "75-322.04" and insert "75-322".

6. On page 39, line 2, strike "75-322.02" and insert "18 of this act".

7. On page 51, line 22, strike "interstate" and insert "intrastate".

8. On page 55, line 8, strike "75-322.02" and insert "75-358"; in line 10 after the second comma insert "75-128,", after the fourth comma insert "75-136, 75-136.01,", and after the last comma insert "75-304,"; in line 11 after the first comma insert "75-305, 75-306,"; in line 12 strike "75-371, 75-381, and 75-382" and insert "and 75-371"; and in line 15 strike "and" and after the last comma insert "and 75-322.02 to 75-322.04,".

9. In the E & R amendments, AM7071, on page 1, line 5, strike "75-322.04" and insert "75-322".

10. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AM1344

1. Insert the following new section:

"Sec. 19. Section 75-303.02, Revised Statutes Supplement, 1994, is amended to read:

75-303.02. The commission, in consultation with the Department of Social Services, shall adopt and promulgate rules and regulations governing minimum liability insurance requirements, equipment standards, driver qualification requirements, and the issuance and filing of notice for any contractor utilized by the department or any agency organized under the Nebraska Community Aging Services Act pursuant to section 75-303.01.".

2. On page 33, line 27, after "Services" insert "or any agency organized under the Nebraska Community Aging Services Act".

3. On page 55, line 10, after the last comma insert

14 "75-303.02,".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 384. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 29, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 222, 259, 270, 271, 288, 297, 305, 334, 366, 402, 411, 420, 452, and 182 were received in my office on March 24, 1995.

These bills were signed by me on March 29, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

VISITORS

Visitors to the Chamber were Senator Stuhr's brother, sister-in-law, and nephew, Roy, Carol, and Nathan Sackschewsky from Antioch, Illinois; Eric Rogers from Anselmo; and 30 eighth grade students and sponsor from St. Francis School, Humphrey.

ADJOURNMENT

At 4:19 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY - MARCH 30, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Dr. Raymond Meester, Heritage Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Hillman and Pirsch who were excused; and Messrs. Abboud, Beutler, Bromm, Chambers, Dierks, Engel, Lindsay, Pedersen, Preister, Warner, Wesely, and Mrs. Brown who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 29, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ashford, Brad - Omaha	David Sokol
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	CMG Health, Inc.

O'Hara & Associates, Inc. O'Hara, Paul V. - Lincoln	North Omaha Airport
Radcliffe and Associates Radcliffe, Walter H. - Lincoln	FHC Options, Inc.
Rasmussen, Dennis - Lincoln	Sowers Club of Lincoln, Inc.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 887 in the Journal. No objections. So ordered.

AM1095

1. On page 3, after line 24 insert: "Workers' Compensation Lump Sum Settlement approved by the Nebraska Workers' Compensation Court, pay to Robert L.R. Reed, 1214 Taylor Street, Norfolk, NE 68701, out of the Workers' Compensation Claims Revolving Fund 82,500.00" and in line 25 strike "claim" and insert "claims".

2. On page 4, lines 1 and 2, strike "88,135.00" and insert "170,635.00".

Mr. Will asked unanimous consent to print the following amendment to LB 461 in the Journal. No objections. So ordered.

AM1363

(Amendments to AM1008)

1. On page 1, line 16, strike "twelve" and insert "ten"; in line 18 strike "sixteen" and insert "fifteen"; and in line 24 strike "seventy" and insert "sixty".

2. On page 2, line 3, strike "eighty" and insert "seventy".

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 1116: Carl Larsen, Gary Rasmussen, John Rebensdorf, and Frank Landis - Nebraska Railway Council and Robert McLaughlin, Michael O. Fleming, Mel Auch, and Robert L. Spady - Nebraska Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 26:

Avery
Bernard-Stevens
Bohlke
Coordsen
Crosby
Cudaback
Fisher
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wesely

Witek
Withem

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Brashear
Day
Elmer
Hall
Hartnett
Jones
Lynch
Wehrbein
Wickersham
Will

Excused and not voting, 12:

Abboud
Bromm
Brown
Chambers
Dierks
Engel
Hillman
Lindsay
Pedersen
Pirsch
Preister
Warner

These appointments were confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 1260: Lee Jones and Clifford Williams - Nebraska Research and Development Authority.

Voting in the affirmative, 28:

Abboud
Avery
Bernard-Stevens
Beutler
Coordsen
Crosby
Cudaback
Fisher
Hall
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 10:

Bohlke
Brashear
Day
Elmer
Hartnett
Lynch
Robinson
Schimek
Wehrbein
Will

Excused and not voting, 11:

Bromm
Brown
Chambers
Dierks
Engel
Hillman
Lindsay
Pedersen
Pirsch
Preister
Warner

These appointments were confirmed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 83. Read. Considered.

LEGISLATIVE RESOLUTION 84. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 83 and 84 were adopted with 19 ayes, 0 nays, and 30 not voting.

SELECT FILE

LEGISLATIVE BILL 109. E & R amendment, AM7067, found in the Journal on page 1193, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 123. Mr. Vrtiska renewed his pending amendment, AM1349, found in the Journal on page 1405.

The Vrtiska amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 384. E & R amendment, AM7066, found in the Journal on page 1197, was adopted.

Messrs. Landis and Fisher renewed their pending amendment, AM1357, found in the Journal on page 1406.

The Landis-Fisher amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 614. Mrs. Robak offered the following amendment:
AM1329

1. Insert the following new section:

"Sec. 2. Section 45-205, Reissue Revised Statutes of Nebraska, is amended to read:

45-205. Every revolving charge agreement shall be in writing and shall be signed by the buyer. Such requirements may be met when disclosure of the revolving charge credit terms has been made to the buyer in conformity with the requirements of the federal Consumer Credit Protection Act before the first extension of credit to the buyer under the revolving charge agreement, and the buyer has signed an application for the revolving charge credit or the buyer signs a sales slip in connection with such extension of credit if the application has been solicited by telephone with disclosure of the periodic rate of the time-price differential by the seller at the time of the telephone solicitation. A copy of any such agreement executed on or after May 24, 1965, shall be delivered or mailed to the buyer by the seller prior to the date on which the first payment is due thereunder. All agreements executed on or after such date shall state the amount or rate of the time-price differential to be charged and paid pursuant thereto. In addition to the sale price of the goods or services and the time-price differential provided for in sections 45-204 to 45-208, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received, except that a seller may (1) contract for and receive fees for participation in a card system which offers services other than revolving charges and (2) impose delinquency charges on each payment in default for a period of not less than ten days not to exceed five percent of the amount due or five dollars, whichever is greater. A delinquency charge under this section may be collected only once on each payment due, however long it remains in default. A delinquency charge may be collected at the time it accrues or at any time afterward.".

2. On page 9, line 15, after "section" insert "45-205, Reissue Revised Statutes of Nebraska, and section"; and in line 16 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

The Robak amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 339. Advanced to E & R for engrossment.
LEGISLATIVE BILL 470. Advanced to E & R for engrossment.

LEGISLATIVE BILL 42. E & R amendment, AM7068, found in the Journal on page 1197, was adopted.

Messrs. Warner and Maurstad offered the following amendment:
AM1370

1. Insert the following new section:

"Section 1. Section 13-2039, Revised Statutes Supplement, 1994, is amended to read:

13-2039. (1) On and after September 1, 1994, land disposal of yard waste shall be prohibited from April 1 through ~~December 31~~ November 30 of each year, except that yard waste which has been separated at its source from other solid waste may be accepted by a landfill for the purpose of soil conditioning or composting. State and local governmental entities responsible for the maintenance of public lands shall give preference to the use of composted materials in all land maintenance activities. Nothing in this section shall be construed to prohibit the use of yard waste as land cover or as soil-conditioning material.

(2) On and after September 1, 1994, land disposal of lead-acid batteries and waste oil shall be prohibited.

(3)(a) On and after September 1, 1995, land disposal of waste tires shall be prohibited except for waste tires processed in a manner established by the department. A landfill shall not refuse to accept a waste tire which has been properly processed.

(b) On and after September 1, 1998, land disposal of waste tires in any form shall be prohibited.

(4) On and after September 1, 1995, land disposal of discarded household appliances shall be prohibited.

(5) On and after September 1, 1996, land disposal of unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act shall be prohibited unless such disposal occurs at a licensed hazardous waste disposal facility.

(6) For purposes of this section, land disposal shall include, but not be limited to, incineration at a landfill.".

2. On page 5, line 25, after the comma insert "and section 13-2039, Revised Statutes Supplement, 1994,".

3. Renumber the remaining sections accordingly.

The Warner-Maurstad amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 112. Advanced to E & R for engrossment.
LEGISLATIVE BILL 154. Advanced to E & R for engrossment.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 424. E & R amendment, AM7071, found in the Journal on page 1198, was adopted.

Mr. Kristensen withdrew his amendment, AM1138, found in the Journal on page 1237.

Mr. Kristensen renewed his pending amendment, AM1343, found in the Journal on page 1413.

The Kristensen amendment was adopted with 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1344, found in the Journal on page 1419.

The Kristensen amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87. Advanced to E & R for engrossment.
LEGISLATIVE BILL 448. Advanced to E & R for engrossment.
LEGISLATIVE BILL 448A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 759. Advanced to E & R for engrossment.

LEGISLATIVE BILL 264. E & R amendment, AM7069, found in the Journal on page 1198, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 467. E & R amendment, AM7072, found in the Journal on page 1198, was adopted.

Mr. Coordsen offered the following amendment:
AM1376

1. Insert the following new section:

"Sec. 15. Section 60-6,298, Revised Statutes Supplement, 1994, is amended to read:

60-6,298. (1)(a) The Department of Roads or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special permit or a continuous permit in writing authorizing the applicant or his or her designee:

(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:

(A) To further the national defense or the general welfare;

(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(C) Because of an emergency, an unusual circumstance, or a very special situation; ~~or~~

(ii) To operate vehicles, for a distance up to seventy miles, loaded up to fifteen percent greater than the maximum weight specified by law, up to ten percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. Except for farm trucks as provided in subdivision (b) of this subsection, no permit shall authorize a weight greater than twenty thousand pounds on any single axle; or

(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except the permit shall not allow transport on holidays.

(b) Any farm truck as defined in section 60-301 with not more than two axles may operate with a special permit for a distance of up to forty miles with an excess axle load of not more than five percent in excess of the maximum load permitted for a single axle by section 60-6,294 when such truck is being used for carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field, except that such truck shall not operate on the National System of Interstate and Defense Highways.

(c) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use ~~only~~ on all highways, including ~~highways other than~~ the National System of Interstate and Defense Highways. The permits are subject ~~to a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, subject~~ to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local authority may ~~, or to~~ otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or

structures or undue danger to the public safety. The ~~, and the~~ department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii), (1)(a)(iii), and (1)(b) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed ten dollars, except that:

(a) The fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivisions (1)(a)(ii) and (1)(b) of this section shall be twenty-five dollars for a thirty-day permit and fifty dollars for a sixty-day permit. Permits issued pursuant to such subdivisions shall be valid for thirty days or sixty days and shall be renewable for a total number of days not to exceed one hundred and twenty days per year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331 for the maximum gross vehicle weight that is permitted pursuant to section 60-6,294 before a permit shall be issued except as provided in subdivision (1)(b) of this section.".

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 407. E & R amendment, AM7073, found in the Journal on page 1199, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 581. Mr. Janssen renewed his pending amendment, AM1149, found in the Journal on page 1311.

Mr. Janssen withdrew his amendment.

Mr. Janssen withdrew his amendment, AM1150, found in the Journal on page 1311.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 862. Advanced to E & R for engrossment.

LEGISLATIVE BILL 145. E & R amendment, AM7070, found in the Journal on page 1199, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 350. Advanced to E & R for engrossment.

LEGISLATIVE BILL 303. E & R amendment, AM7074, found in the Journal on page 1199, was adopted.

Mr. Lindsay withdrew his amendment, AM1086, found in the Journal on page 1220.

Mr. Hartnett renewed his pending amendment, AM1324, found in the Journal on page 1410.

The Hartnett amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 109A. Advanced to E & R for engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

GENERAL FILE

LEGISLATIVE BILL 505. Title read. Considered.

Advanced to E & R for review with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Standing Committee amendment, AM0482, found in the Journal on page 834, was considered.

Messrs. Kristensen and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 68, 377, and 461.

Enrollment and Review Change to LB 68

The following changes, required to be reported for publication in the Journal, have been made:

ER9026

1. In the Schimek amendment, AM0750:

a. On page 2, line 27, "Department of Health" has been struck and "department to" inserted;

b. On page 6, line 6, "of 1992" has been inserted after "Act";

c. On page 10, line 10, "director" has been struck and "Director of Health" inserted; and in line 13 "Director of Health" has been struck, shown as stricken, and "director" inserted; and

d. On page 12, line 4, "and sections 4 and 6 of this act" has been inserted after "71-7011".

2. Underscoring has been inserted in original section 1.

3. On page 1, the matter beginning with "insurance" in line 1 through line 2 has been struck and "cancer; to amend sections 71-7001, 71-7002, 71-7003, 71-7004, 71-7009, 71-7010, 71-7012, and 71-7013, Revised Statutes Supplement, 1994; to require insurance coverage for screening mammography as prescribed; to change provisions relating to mammography; to provide for early detection of cervical cancer; to authorize funding for breast and cervical cancer detection; to rename a fund; to rename a committee and change its membership; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 377

The following changes, required to be reported for publication in the Journal, have been made:

ER9027

1. In the Kristensen amendment, AM1137, on page 3, line 23, the third comma has been struck.

2. In the Bernard-Stevens amendment, FA95, underscoring has been inserted in section 4 and amendment 3 has been struck.

3. In the McKenzie amendment, AM1076:

a. On page 1, line 10, "Except" through "the" has been struck and "The" inserted; in line 15 paragraphing has been inserted before "The"; and in line 22 paragraphing has been inserted before "In";

b. On page 2, line 4, an underscored comma has been inserted after "program"; and in line 9 paragraphing has been inserted before "The"; and

c. On page 5, line 12, "shall include" has been struck and "includes" inserted.

4. On page 1, line 1, ", 66-1333, 66-1344," has been inserted after "66-1330"; and in line 4 "to define terms; to change provisions relating to ethanol production credits;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 461

The following changes, required to be reported for publication in the Journal, have been made:

ER9028

1. In the Kristensen amendment, AM1008, on page 1, line 6; and page 2, line 6, "section" has been struck and "subsection" inserted.

(Signed) David I. Maurstad, Chairperson

MR. HALL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendment, AM0417, found in the Journal on page 762, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM0562, found in the Journal on page 852.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 434. Title read. Considered.

Standing Committee amendment, AM0232, found in the Journal on page 693, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendment, AM0757, found in the Journal on page 996, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 874. Title read. Considered.

Standing Committee amendment, AM0828, found in the Journal on page 1029, was considered.

Mr. Janssen offered the following amendment to the Standing Committee amendment:
AM1162

(Amendments to Standing Committee amendments, AM0828)

1. Insert the following new section:

"Sec. 2. Section 53-168.06, Reissue Revised Statutes of Nebraska, is amended to read:

53-168.06. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent (1) the possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests; (2) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians; (4) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (5) persons who are sixteen years old or older from carrying ~~beer~~ alcoholic liquor from ~~grocery stores~~ licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen years old or older from handling ~~beer~~ alcoholic liquor containers and ~~beer~~ alcoholic liquor in the course of their employment; ~~in grocery stores;~~ (7) persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; ~~as servers or buspersons by any restaurant, club, hotel, or similar organization;~~ or (8) persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment.".

2. On page 3, line 2, after "Original" insert "section 53-168.06, Reissue Revised Statutes of Nebraska, and"; and in line 3 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

The Janssen amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 609. Title read. Considered.

Standing Committee amendment, AM0992, found in the Journal on page 1130, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 2 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 447. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 524. Title read. Considered.

Standing Committee amendment, AM0457, found in the Journal on page 833, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 524A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 326A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendment, AM0277, found in the Journal on page 673, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 599. Title read. Considered.

Standing Committee amendment, AM0274, found in the Journal on page 674, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Lynch and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 456. Title read. Considered.

Standing Committee amendment, AM0298, found in the Journal on page 691, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 626. Title read. Considered.

Standing Committee amendment, AM0299, found in the Journal on page 693, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 756. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 187. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 601. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 372. Title read. Considered.

Standing Committee amendment, AM0383, found in the Journal on page 723, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 381A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 449. Title read. Considered.

Standing Committee amendment, AM0330, found in the Journal on page 730, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 449A. Title read. Considered.

Ms. Day renewed her pending amendment, AM1203, found in the Journal on page 1316.

The Day amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 563. Title read. Considered.

Standing Committee amendment, AM0341, found in the Journal on page 741, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 563A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Standing Committee amendment, AM0221, found in the Journal on page 746, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 438. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 438A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Avery and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 251. Title read. Considered.

Standing Committee amendment, AM0331, found in the Journal on page 781, was considered.

Mrs. McKenzie offered the following amendment to the Standing Committee amendment:
AM0803

(Amendments to Standing Committee amendment, AM0331)

1. On page 1, line 4, after "purposes" insert ", or for any purpose pursuant to a groundwater remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes,"; in line 8 after "purpose" insert ", or for any purpose pursuant to a groundwater remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes,"; and in line 11 after the period insert "For purposes of this section, domestic has the same meaning as in section 46-613.".

The McKenzie amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 488. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 527. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 574. Title read. Considered.

Standing Committee amendment, AM0291, found in the Journal on page 794, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 451. Title read. Considered.

Standing Committee amendment, AM0490, found in the Journal on page 807, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 285. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 589. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 772. Title read. Considered.

Standing Committee amendment, AM0516, found in the Journal on page 820, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 346. Title read. Considered.

Standing Committee amendment, AM0508, found in the Journal on page 826, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 840A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 840, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

LEGISLATIVE BILL 693A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 815A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Ninety-fourth Legislature, First Session, 1995; to reduce an appropriation; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1366

(Amendments to Standing Committee amendments, AM0885)

1. Insert the following new sections:

"Section 1. Section 77-27,144, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. The Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount of refunds made and then ~~three~~ two percent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the ~~provisions of sections 77-27,142 to 77-27,148~~ Local Option Revenue Act.

All receipts from the ~~three percent~~ administrative fee shall be deposited in the state General Fund.

Sec. 6. Sections 1 and 7 become operative on October 1, 1995. The other sections of this act become operative on their effective date.

Sec. 7. Original section 77-27,144, Reissue Revised

Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1373

(Amendments to Standing Committee amendments, AM0903)

1. On page 1, line 2, before "Any" insert "(1)"; and after line 9 insert the following new subsection:

"(2) No county with a population of four hundred thousand inhabitants or more shall be eligible to participate in the County Revenue Assistance Act.".

Mr. Withem asked unanimous consent to print the following amendment to LB 394 in the Journal. No objections. So ordered.

AM1179

1. Strike original sections 6 to 8, 10, and 11 and insert the following new sections:

"Sec. 6. On July 1, 1995, the salary of the Chief Justice and judges of the Supreme Court shall be $86,031.00.

On July 1, 1996, the salary of the Chief Justice and judges of the Supreme Court shall be $88,613.00.

Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	667,673	687,789
PROGRAM TOTAL	667,673	687,789
SALARY LIMIT	602,217	620,292

Sec. 8. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	550,134	566,562
PROGRAM TOTAL	550,134	566,562
SALARY LIMIT	490,381	505,094

Sec. 10. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,883,912	5,020,788
PROGRAM TOTAL	4,883,912	5,020,788
SALARY LIMIT	4,376,867	4,508,190

Sec. 11. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,713,562	4,854,212
PROGRAM TOTAL	4,713,562	4,854,212
SALARY LIMIT	4,168,240	4,293,304".

Mr. Withem asked unanimous consent to print the following amendment to LB 394 in the Journal. No objections. So ordered.

AM1178

1. Strike original sections 6 to 11 and insert the following new sections:

"Sec. 6. On July 1, 1995, the salary of the Chief Justice and judges of the Supreme Court shall be $90,802.00.

On July 1, 1996, the salary of the Chief Justice and judges of the Supreme Court shall be $93,526.00.

Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	703,112	724,812
PROGRAM TOTAL	703,112	724,812
SALARY LIMIT	635,615	654,684

Sec. 8. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	578,990	596,709
PROGRAM TOTAL	578,990	596,709
SALARY LIMIT	517,572	533,099

Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 5 - State Court Administrator's Salary

	FY1995-96	FY1996-97
GENERAL FUND	91,399	97,021
PROGRAM TOTAL	91,399	97,021
SALARY LIMIT	76,000	81,000

Sec. 10. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	5,131,463	5,289,859
PROGRAM TOTAL	5,131,463	5,289,859
SALARY LIMIT	4,619,553	4,758,140

Sec. 11. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,958,838	5,110,457
PROGRAM TOTAL	4,958,838	5,110,457
SALARY LIMIT	4,399,359	4,531,339".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 598 in the Journal. No objections. So ordered.

AM1365

1. On page 2, line 18, after "is" insert "signed by the judge and"; and in lines 18 and 19 strike the new matter.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 99 in the Journal. No objections. So ordered.

AM1347

1. Insert the following new section:

"Sec. 12. Section 46-231, Reissue Revised Statutes of Nebraska, is amended to read:

46-231. Each appropriation shall be determined in its priority and amount by the time at which it is made and the amount of water which the works are constructed to carry. An appropriator shall at no time be entitled to the use of more than he or she can beneficially use for the purposes for which the appropriation has been made, and the amount of any appropriation made by means of enlargement of the distributing works shall be determined in like manner.

No allotment from the natural flow of streams for irrigation shall exceed one cubic foot per second of time for each seventy acres of land nor three acre-feet in the aggregate during one calendar year for each acre of land for which such appropriation shall have been made, and no allotment shall exceed the least amount of water that experience may indicate is necessary, in the exercise of good husbandry, for the production of crops. Such limitations shall not apply to storage waters or to water appropriations transferred pursuant to sections 2 to 4 and 6 to 8 of this act.

When storage water is being used in addition to the natural flow, the person in charge of the ditch or canal shall, upon his or her request and within twenty-four hours thereof, be notified in writing by the user of such storage waters of the time of withdrawal from natural streams to be distributed according to law.

When an appropriation is for irrigation purposes and the amount is so small that a proper distribution and application is impossible, as much water as the applicant can use without waste may be allotted for a limited time so fixed as to give each appropriator his or her just share without violating other rights, so long as the volume of water used in a twenty-four-hour period does not exceed the amount of water that would otherwise have been allowed at the approved fixed continuous rate for a twenty-four-hour period.".

2. On page 17, line 19, after the second comma insert "46-231,".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment, AM1346, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Hall asked unanimous consent to print the following amendment to LB 856 in the Journal. No objections. So ordered.

AM1379

1. Insert the following new sections:

"Sec. 2. Section 81-2706, Reissue Revised Statutes of Nebraska, is amended to read:

81-2706. (1) The Public Counsel shall receive any allegation of a violation of section 81-2705 and investigate to determine whether there are reasonable grounds to believe that a violation has occurred or is about to occur.

(2) When investigating an allegation of a violation of section 81-2705, the Public Counsel shall have access to all information maintained by any agency or employee directly or indirectly involved.

(3) If the Public Counsel terminates the investigation of an alleged violation of section 81-2705, the Public Counsel shall, in writing, promptly inform the employee who raised the allegation.

(4) If the Public Counsel finds that there are reasonable grounds to believe that a violation of section 81-2705 has occurred or is about to occur, he or she shall transmit his or her finding in writing to the Governor and (a) the State Personnel Board if the employee is employed by an agency that is subject to the State Personnel System or (b) the personnel appeals board of the employee's agency if the employee is employed by an agency that is not subject to the state personnel system. If no such personnel appeals board exists, the Public Counsel shall transmit his or her finding to the director or chief operating officer of the agency, or if the director or chief operating officer has committed or is about to commit the violation of section 81-2705, the finding shall be transmitted to the Governor or his or her authorized representative.

(5) Any finding that is made and transmitted by the Public Counsel pursuant to subsection (4) of this section shall include a finding regarding whether an alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705.

Sec. 3. Section 81-2707, Reissue Revised Statutes of Nebraska, is amended to read:

81-2707. (1) Upon receiving the Public Counsel's finding that there is reason to believe a violation of section 81-2705 has occurred or is about to occur, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall hold a hearing to determine whether a violation of section

81-2705 has occurred or is about to occur. If the finding transmitted by the Public Counsel pursuant to section 81-2706 includes a finding that the alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall, without further proceedings, stay or reverse the personnel action until a hearing can be held to determine if there is reason to believe that a violation of section 81-2705 is contemplated or has occurred. ~~Such~~ In any case in which the personnel action is stayed or reversed pursuant to this subsection, the board, director, or chief operating officer shall, at the earliest possible date, hold a hearing to determine whether a violation has occurred or is about to occur. The employee may be represented by counsel at such hearing.

(2) After determining that a violation has occurred, the State Personnel Board, personnel appeals board, director, or chief operating officer shall be authorized to grant backpay or other relief as it deems appropriate.

(3) An employee or agency aggrieved by the decision rendered pursuant to subsection (2) of this section may appeal such decision. The appeal shall be in accordance with the Administrative Procedure Act. An employee prevailing on appeal shall receive reasonable attorney's fees incurred during the appeal and any previous hearings held on the matter appealed pursuant to this section.

(4) In any proceeding held pursuant to this section, if an employee establishes that a personnel action was taken against him or her after he or she submitted an allegation of wrongdoing or provided information to the Public Counsel, his or her investigators, employees, or agents, or an official in conjunction with a preliminary or formal investigation undertaken pursuant to section 81-2704, the personnel action shall be presumed to have been taken against such employee because of such allegation. Such presumption may be rebutted by appropriate evidence.".

2. On page 4, line 20, strike "section 81-2704" and insert "sections 81-2704, 81-2706, and 81-2707"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 99. Placed on General File as amended. (Standing Committee amendment, AM1188, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 584. Placed on General File as amended. (Standing Committee amendment, AM1189, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 613 and LB 645. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 572. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LR 81. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 298 and LB 750. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tom and JoAnn Seick from Pleasant Dale; 45 seniors and sponsor from Gibbon; six ninth through twelfth grade students and sponsor from Tripolia Community School, Iowa; ten seniors and sponsor from Litchfield; Mayor Michael Mines and family, Katie, Billie, and Laini, from Blair; 21 third through sixth grade students and sponsor from Farwell; Mike, Patti, and Alicia Applegate from Fullerton; Ms. Barisa Berrezeg Haraoubia from Algeria, Mr. Mohamed Abdel-Qawi from Yemen, Mr. Ali Rayyan from West Bank, Mr. Hamad Nasser Khamis and Mr. Khamis Thani Mohamed Ali from United Arab Emirates, Mr. Jewad Amin Mustafa from Jordan, and Mr. Mohammed El-Sayed Magdy Hassan and Mr. Tarek Mohamed Ahmed Allam from Egypt; Vern and Fern Shamberg from Fairbury; Senator Pedersen's son and daughter-in-law, Andy and Jennifer Pedersen, from Omaha; and Dick Niemeyer from Fairbury.

ADJOURNMENT

At 2:03 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIFTH DAY - APRIL 4, 1995

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 4, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 1995

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Robert Varner, First Baptist Church, Fall City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Engel, Hall, Kristensen, Landis, Lindsay, Lynch, Matzke, Pedersen, Robinson, Warner, Wickersham, Will, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 42, 109, 109A, 112, 123, 154, 339, 384, 470, and 614.

Enrollment and Review Change to LB 42

The following changes, required to be reported for publication in the Journal, have been made:
ER9031

1. On page 1, line 1, "cities and villages" has been struck and "political subdivisions" inserted; in line 2 ", and section 13-2039, Revised Statutes Supplement, 1994" has been inserted after "Nebraska"; and in line 3 "land disposal of yard waste and the" has been inserted after "the".

Enrollment and Review Change to LB 109

The following changes, required to be reported for publication in the Journal, have been made:
ER9037
1. On page 194, line 17, "the Business Corporation Act" has been struck and "this act" inserted; and in line 18 "of this act" has been inserted after "201".

Enrollment and Review Change to LB 123

The following changes, required to be reported for publication in the Journal, have been made:
ER9029
1. On page 1, line 2, "section" has been struck and "sections 79-1233 and" inserted; in line 3 after the second "to" "substitute teachers and" has been inserted; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 384

The following changes, required to be reported for publication in the Journal, have been made:
ER9033
1. In the Landis-Fisher amendment, AM1357, on page 6, line 22, "whose bonds" has been struck and "the bonds of which" inserted; and in line 23 "ratings" has been struck and "rating" inserted.
2. On page 1, line 1, "8-123, 8-179" has been inserted after "sections"; in line 2 "and 28-612" has been struck and "15-846, 15-848, 28-612, and 77-2306" inserted; in line 3 "15-847," has been inserted after the second comma; in line 6 ", the deposit of city funds, similarly named financial institutions, and the deposit of state funds" has been inserted after "loans"; and in line 13 "a duty" has been struck and "duties" inserted.

Enrollment and Review Change to LB 614

The following changes, required to be reported for publication in the Journal, have been made:
ER9030
1. On page 1, the matter beginning with "installment" in line 1 through line 3 has been struck and "debt; to amend section 45-205, Reissue Revised Statutes of Nebraska, and section 45-137, Revised

Statutes Supplement, 1994; to change provisions relating to installment loans and revolving charge agreements; and to repeal the original sections.".

(Signed) David I. Maurstad, Chairperson

MESSAGE FROM THE GOVERNOR

March 30, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 182A was received in my office on March 24, 1995.

This bill was signed by me on March 30, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Matzke asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1371

(Amendments to E & R amendments, AM7054)

1. Strike sections 2 and 7 and insert the following new sections:

"Sec. 2. In all cases of adoption of a minor child born out of wedlock, the biological mother shall complete and sign an affidavit in writing and under oath. The affidavit shall be executed by the biological mother before or at the time of execution of the consent or relinquishment and shall be attached as an exhibit to any petition to finalize the adoption. If the biological mother is a minor, the affidavit may be executed by the agency or attorney representing the biological mother based upon information provided by the biological mother. The affidavit shall be in substantially the following form:

AFFIDAVIT OF IDENTIFICATION

I, ..., the mother of a (male or female) child, state under oath or affirm as follows:

(1) My child was born, or is expected to be born, on the

.... day of ...., ..., at ...., in the State of ....

(2) I reside at ...., in the City or Village of ...., County of ...., State of ....

(3) I am of the age of .... years, and my date of birth is ....

(4) I acknowledge that I have been asked to identify the father of my child.

(5) (CHOOSE ONE)

(5A) I know and am identifying the biological father (or possible biological fathers) as follows:

The name of the biological father is .... His last known home address is ....

His last known work address is ....

He is .... years of age, or he is deceased, having died on or about the .... day of ...., ..., at ...., in the State of ....

(For other possible biological fathers, please use additional sheets of paper as needed.)

(5B) I am unwilling or unable to identify the biological father (or possible biological fathers). I do not wish or I am unable to name the biological father of the child for the following reasons:

.... Conception of my child occurred as a result of sexual assault or incest

.... Providing notice to the biological father of my child would threaten my safety or the safety of my child

.... Other reason: ....

(6) The physical description of the biological father (or possible biological fathers) and other information which may assist in identifying him, including the city or county and state where conception occurred:

....

....

....

(Use additional sheets of paper as needed)

(7) Under penalty of perjury, the undersigned certifies that the statements set forth in this affidavit are true and correct.

(8) I have read this affidavit and have had the opportunity to review and question it. It was explained to me by .... I am signing it as my free and voluntary act and understand the contents and the effect of signing it.

Dated this .... day of ...., ...

(Acknowledgement) ....

(Signature)

Sec. 7. (1) If the agency or attorney representing the biological mother is unable through reasonable efforts to locate and serve notice on the biological father or possible biological fathers as contemplated in sections 5 and 6 of this act, the agency or attorney shall notify the biological father or possible fathers by publication.

(2) The publication shall be made once a week for three consecutive weeks in a legal newspaper of general circulation in the Nebraska county or county of another state which is most likely to provide actual notice to the biological father. The publication shall include:

(a) The first name or initials of the father or possible father or the entry "John Doe, real name unknown", if applicable;

(b) A description of the father or possible father if his first name is or initials are unknown;

(c) The approximate date of conception of the child and the city and state in which conception occurred, if known;

(d) The date of birth or expected birth of the child;

(e) That he has been identified as the biological father or possible biological father of a child whom the biological mother currently intends to place for adoption and the approximate date that placement will occur;

(f) That he has the right to (i) deny paternity, (ii) waive any parental rights he may have, (iii) relinquish and consent to adoption of the child, or (iv) file a notice of intent to claim paternity and obtain custody of the child within five business days of the birth of the child or within five business days of this notice, whichever is later, pursuant to section 43-104.02; and

(g) That (i) in order to deny paternity, waive his parental rights, relinquish and consent to the adoption, or receive additional information to determine whether he is the father of the child in question, he must contact the undersigned agency or attorney representing the biological mother and (ii) if he wishes to seek custody of the child he must seek legal counsel from his own attorney immediately.".

2. On page 2, line 10, after "affidavit" insert ", required by section 2 of this act,".

3. On page 3, lines 12 and 13, strike "child's father" and insert "biological father or possible biological father of the child".

4. On page 7, line 13, after "evidence" insert "by affidavit"; in lines 19 and 26 after "child" insert "or that the conception was the result of sexual assault or incest"; and in line 26 after "shall" insert "order the attorney or agency to exercise due diligence in complying with sections 1 to 9 of this act. If the attorney or agency fails to exercise due diligence in complying with such sections or at any time upon the petition or application of any interested party the court may".

5. On page 8, line 13, after "father" insert "or possible biological fathers".

6. On page 9, line 17, strike "nonconsensual sex act or

an incestual act" and insert "sexual assault or incest".

7. On page 10, line 3, strike "three months" and insert "thirty days"; and in lines 4 and 5, strike "questioned by any person" and insert "reversed, vacated, or modified".

COMMUNICATION

Received a copy of Senate Concurrent Resolution 3 from the Oregon State Senate declaring sovereignty over the federal government and instructing the federal government to cease and desist immediately all mandates outside the scope of its constitutionally delegated authority.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 83 and 84.

RESOLUTIONS

LEGISLATIVE RESOLUTION 85. Read. Considered.

LEGISLATIVE RESOLUTION 86. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 85 and 86 were adopted with 18 ayes, 0 nays, and 31 not voting.

LEGISLATIVE RESOLUTION 81. Read. Considered.

Mr. Bernard-Stevens moved to refer LR 81 to the Executive Board for referencing to standing committee for public hearing.

Mrs. Robak and Mr. Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Pursuant to Rule 4, Sec. 8, LR 81 was referred to the Reference Committee.

LEGISLATIVE RESOLUTION 82. Read. Considered.

LR 82 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 189A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 337A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 68A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 178A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 106. Placed on General File.
LEGISLATIVE BILL 732. Placed on General File.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 530. Placed on General File as amended.
(Standing Committee amendment, AM1400, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) C. N. "Bud" Robinson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 531. Placed on General File as amended.
Standing Committee amendment to LB 531:
AM1380

1. Strike the original sections and insert the following new sections:

"Section 1. Section 44-513.02, Revised Statutes Supplement, 1994, is amended to read:

44-513.02. (1) A medical benefit contract which provides reimbursement for prescription drugs, including contracts by health maintenance organizations and preferred provider organizations, shall not require a person to obtain prescription drugs from a mail-order pharmacy as a condition to obtaining reimbursement for such drugs. This subsection shall apply to contracts delivered, issued for delivery, or renewed in this state on or after July 10, 1990.

(2)(a) A medical benefit contract, including any contract by a preferred provider organization but excluding any contract by a health maintenance organization, which provides reimbursement for prescription drugs and other pharmacy services shall not impose upon any person who is a party to or beneficiary of the contract a fee or copayment not equally imposed upon any party or beneficiary utilizing a mail-order pharmacy, and no such contract shall provide differences in coverage or impose any different conditions upon any person who is a party to or beneficiary of the contract not equally imposed upon any party or beneficiary utilizing a mail-order pharmacy. This subsection shall apply to contracts delivered, issued for delivery, or renewed in this state on or after July 16, 1994.

(b) This subsection shall not apply to reimbursement for long-term maintenance drugs. Long-term maintenance drugs means medications which are dispensed pursuant to a single prescription for a period of no less than one-hundred eighty days, exclusive of authorized refills, for the ongoing treatment of a chronic medical condition or disease or congenital condition or disorder.

Sec. 2. Original section 44-513.02, Revised Statutes Supplement, 1994, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM1284

1. On page 19, line 10, strike "twelve" and insert "fourteen"; and in line 18 strike "twelve", show as stricken, and insert "fourteen".

2. On page 20, line 18, strike "twelve-percent", show as stricken, and insert "fourteen-percent".

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. The Dierks pending amendment, AM1292, found in the Journal on page 1378, was renewed.

Mr. Bernard-Stevens raised a point of order on whether the Dierks amendment, AM1292, was a reconsideration of the Beutler amendment, AM0956.

The Chair ruled the Dierks amendment was a reconsideration of the Beutler amendment, because the only change was an internal date reference and otherwise was the same amendment. Therefore, the Dierks amendment was not properly before the Legislature.

Mr. Dierks withdrew his amendment.

MR. HALL PRESIDING

Mr. Withem renewed his pending amendment, AM1309, found in the Journal on page 1385.

Mr. Withem withdrew his amendment.

Mr. Withem withdrew his amendment, AM1311, found in the Journal on page 1396.

Mr. Beutler offered the following amendment:
AM1411

(Amendments to Standing Committee amendments, AM0475)

1. On page 2, lines 2 and 3; and page 5, lines 24 and 25, strike beginning with "four" through "filed" and insert "four months after such petition has been filed for petitions filed before January 2, 1999, and nine months after such petition has been filed for petitions filed on or after January 2, 1999".

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment lost with 10 ayes, 24 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Withem reoffered his amendment, AM1311, found in the Journal on page 1396 and considered in this day's Journal.

The Withem amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Mr. Dierks requested a record vote on the advancement of the resolution.

Voting in the affirmative, 33:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Stuhr
Vrtiska

Warner
Wickersham
Witek
Withem

Voting in the negative, 2:

Lynch
Wesely

Present and not voting, 9:

Chambers
Cudaback
Elmer
Hall
Lindsay
McKenzie
Robak
Schellpeper
Schrock

Excused and not voting, 5:

Avery
Engel
Hillman
Wehrbein
Will

Advanced to E & R for engrossment with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 37. E & R amendment, AM7058, printed separately from the Journal and referred to on page 1111, was adopted.

Mr. Coordsen renewed his pending amendment, AM0886, found in the Journal on page 1056.

SPEAKER WITHEM PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Coordsen amendment lost with 5 ayes, 26 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1331

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-504, Reissue Revised Statutes of Nebraska, is amended to read:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county social services agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified in this subsection at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) In awarding aid to dependent children payments, the term dependent child ~~shall~~ does not include an unborn child. ~~children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children.~~ As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for

education or for remunerative occupation.

~~(4) Notwithstanding subsection (2) of this section, commencing December 1, 1992, through June 30, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy.~~

Sec. 2. Original section 43-504, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1332

(Amendments to E & R amendments, AM7063)

1. On page 2, line 14, strike "an" and insert "the first" and after "child" insert "of the pregnant woman".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1350

(Amendments to E & R amendments, AM7063)

1. On page 3, after line 7 insert the following new subsection:

"(4) Aid to dependent children payments shall be made in the form of vouchers.".

Mrs. Robak asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1388

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Rehabilitation and Support Mental Health Services Incentive Act.

Sec. 2. The Legislature finds and declares that:

(1) Community-based mental health services substantially enrich the lives of persons with mental illness and enable such persons to become more productive and involved members of society and the provision of such services supports the intent and purposes of the family policy objectives prescribed in sections 43-532 to 43-534;

(2) Rehabilitation and support services are needed in communities to provide persons disabled by severe and persistent mental illness with the opportunity for rehabilitation, housing, work, and supportive care;

(3) A supplemental program to the Nebraska Comprehensive Community Mental Health Services Act should be implemented to

provide incentives for the development of rehabilitation and support services;

(4) The Department of Public Institutions is the state mental health authority and is the primary state agency responsible for the planning and development of community-based rehabilitation and support mental health services in Nebraska. The Department of Social Services is the primary state medicaid authority. It is the intent of the Legislature that matching federal funds through the medicaid rehabilitation option will be used to develop middle-intensity, community-based services for Nebraskans with severe, persistent, and disabling psychiatric disorders;

(5) All available federal, state, and private resources, including specialized managed care for Nebraskans with severe, persistent, and disabling psychiatric disorders, should be effectively utilized; and

(6) Too few appropriately trained mental health professionals are available to meet the present and future needs of Nebraskans with severe, persistent, and disabling psychiatric disorders.

Sec. 3. For purposes of the Rehabilitation and Support Mental Health Services Incentive Act:

(1) Departments means the Department of Public Institutions and the Department of Social Services;

(2) Medicaid rehabilitation option means the agreement pursuant to federal law allowing matching federal funds to be available for middle-intensity, community-based services for Nebraskans with severe, persistent, and disabling psychiatric disorders;

(3) Mental health regions means the regions as defined in section 71-5002; and

(4) Rehabilitation and support services means services intended to provide persons disabled by severe and persistent mental illness and their families with the knowledge, skills, and support necessary to maximize independent functioning and participation in society and may include, but is not limited to, case management services, residential rehabilitation services, community-living services, residential support services, and vocational support services.

Sec. 4. The departments may enter into agreements with mental health regions, other public authorities, or private organizations to provide rehabilitation and support services, including sharing resources to provide the nonfederal matching funds for services provided pursuant to the medicaid rehabilitation option. State funds shall not be used for capital construction. When entering into agreements for the provision of rehabilitation and support services, the departments shall consider the availability of such services and the needs of persons within the area to be served. The Rehabilitation and Support Mental Health Services Incentive Act does not prevent the provision of similar services under authority of the Nebraska Comprehensive Community Mental Health Services Act.

Sec. 5. Persons receiving rehabilitation and support services pursuant to the Rehabilitation and Support Mental Health Services Incentive Act shall be charged fees in accordance with their ability to pay in the same manner and at the same rate as provided in section 71-5014.

Sec. 6. The departments shall require audits, reports, and plans as they deem necessary to supervise and monitor agreements made pursuant to the Rehabilitation and Support Mental Health Services Incentive Act. The departments shall provide accountability for all sources and expenditures of funds for all organizations receiving any funds under the act. The departments shall adopt and promulgate rules and regulations necessary to carry out the act.

Sec. 7. The Department of Social Services shall take all lawful actions which would provide medicaid funds for the support of both treatment for persons with mental illness and rehabilitation and support services. Any such funds made available will be used to fund contracts between the State of Nebraska and service providers (1) for providing treatment services in support of the provision of rehabilitation and support services under the Rehabilitation and Support Mental Health Services Incentive Act, (2) for the actual provision of rehabilitation and support services, and (3) for services under Title XX of the federal Social Security Act, as amended.

Sec. 8. The Department of Social Services, in consultation with the Department of Public Institutions, professional provider organizations, advocates, consumers, and families of persons with severe, persistent, and disabling psychiatric disorders, shall apply for and implement the federal medicaid rehabilitation option and apply for any necessary waivers of federal law, with the goal of providing more effective community-based services, preventing unnecessary and expensive hospitalization, and promoting more effective utilization of the state's inpatient psychiatric facilities. The state may apply such in a revenue-neutral manner relative to the General Fund. The state shall cooperate with local governmental subdivisions to generate matching funds for medicaid rehabilitation option services with local approval.

Sec. 9. The departments shall submit a report on the status of the application for the medicaid rehabilitation option by September 30, 1995, to the Governor and the Health and Human Services Committee of the Legislature.

Sec. 10. The Department of Public Institutions shall adopt policies to require all state-funded residential psychiatric services operated by the department to utilize an interdisciplinary professional staff administrative model. All categories of professional staff involved in psychiatric rehabilitation services in the regional center shall be integrated into the administrative structure of the regional center if qualified by their direct administrative or management experience or training. Preference shall be given to the most cost-efficient use of professional staff in administrative positions or roles.".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 490. Placed on Select File as amended.
(E & R amendment, AM7080, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Specialized Office Services (S.O.S.) temporary employee pool deficit funding for Fiscal Year 1994-1995 and increasing funds for the 1995-1997 biennium.
Thursday, April 6, 1995 5:00 p.m.

(Signed) Roger R. Wehrbein, Chairperson

SELECT FILE

LEGISLATIVE BILL 37. Mr. Pedersen withdrew his amendment, AM0902, found in the Journal on page 1073.

Messrs. Preister, Hall, and Lindsay renewed their pending amendment, AM1083, found in the Journal on page 1220.

Pending.

VISITORS

Visitors to the Chamber were Linda Ratcliffe, Deborah Eisloeffel, Elizabeth Turner, Phil Coleman-Hull, Steve Shively, Kari Ronning, and Susan Rosowski; 33 eighth grade students and sponsor from Scribner-Snyder School, Scribner; Joe Sabatka from Lincoln, Molly Tillman from Wahoo, and Jacob Katzman from Omaha; 35 fourth grade students and sponsor from Wakonda Elementary, Omaha; 21 fourth grade students and sponsor from Central Elementary, Plattsmouth; and five elementary students and sponsors from District 167, Cherry County.

RECESS

At 12:00 noon, on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Avery, Dierks, Schmitt, Schrock, Wehrbein, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 37. The Preister-Hall-Lindsay pending amendment, AM1083, found in the Journal on page 1220 and considered in this day's Journal, was renewed.

Mr. Coordsen requested a ruling of the Chair on whether the Preister et al. amendment is germane to the bill.

The Chair ruled the Preister et al. amendment is not germane to the bill.

Mr. Preister challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 82, 85, and 86.

SELECT FILE

LEGISLATIVE BILL 37. The Preister pending motion, found in this day's Journal, to overrule the Chair, was renewed.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mr. Coordsen requested a roll call vote on the Preister motion to overrule the Chair

Voting in the affirmative, 12:

Bernard-Stevens
Beutler
Chambers
Hall
Hartnett
Jensen
Lindsay
Lynch
Preister
Schimek
Wesely
Will

Voting in the negative, 31:

Abboud
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 3:

Avery
Wehrbein
Withem

Excused and not voting, 3:

Day
Hillman
Robak

The Preister motion to overrule the Chair lost with 12 ayes, 31 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Janssen renewed his pending amendment, AM1175, found in the Journal on page 1284.

PRESIDENT ROBAK PRESIDING

The Janssen amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Coordsen renewed his pending amendment, AM1140, found in the Journal on page 1331.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Coordsen asked unanimous consent to replace his pending amendment, AM0910, found in the Journal on page 1332, with a substitute amendment. No objections. So ordered.

Mr. Coordsen withdrew his amendment, AM0910, found in the Journal on page 1332.

Mr. Coordsen offered the following substitute amendment:
AM1395

(Amendments to E & R amendments, AM7058)

1. Insert the following new section:

"Sec. 10. Section 60-4,118, Revised Statutes Supplement, 1994, is amended to read:

60-4,118. (1) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the application for an operator's license discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied

that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of sixteen years, but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her sixteenth birthday.

(6)(a) Upon receipt of a certified copy of a court order issued pursuant to section 60-6,211.05 and of sufficient evidence that the defendant has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order and upon payment by the defendant of the fee provided in section 60-4,115, the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.".

2. On page 30, line 4, before "and" insert "60-4,118,".

3. Renumber the remaining sections accordingly.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Schellpeper withdrew his amendment, AM1132, found in the Journal on page 1354.

Mr. Schellpeper offered the following amendment:
AM1390

(Amendments to the E & R amendments, AM7058)

1. Strike section 14 and insert the following new sections:

"Sec. 8. Section 60-315, Reissue Revised Statutes of Nebraska, is amended to read:

60-315. (1)(a) Upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage certificate of title is issued, (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, ~~or~~ (e) in case of a change in the tax situs of a motor vehicle to a location outside of this state, (f) upon a trade-in or surrender of a motor vehicle under a lease, or (g) upon a return to inventory by the dealer, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs and by either making affidavit to the county treasurer or designated county official as provided in section 60-302 of the occurrence of an event described in subdivisions (a) through (d), (f), or (g) of this subsection or, in the case of a change in tax situs, displaying to the county treasurer or designated county official the registration certificate of such other state as evidence of a change in tax situs, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of the event, except that when such date falls within the same calendar month in which the vehicle or trailer is acquired, no refund shall be allowed for such month. The registered owner shall make a claim for credit or refund of the unused fees within sixty days from the date of the event or shall be deemed to have forfeited his or her right to such refund. For purposes of this subsection, the date of the event shall be, in the case of a transfer or loss, the date of the transfer or loss, in the case of a change in the tax situs, the date of registration in another state, in the case of a legislative act, the effective date of the act, ~~and~~ in the case of a court decision, the date the decision is rendered, in the case of a trade-in or surrender under a lease, the date of the termination of a lease, and in the case of a return to dealer inventory, the date of such return. Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within thirty days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer or designated county official showing that a motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the county treasurer or designated county official of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer or designated county official shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee for the remainder of the registration year.

Sec. 13. Section 77-1239, Revised Statutes Supplement, 1994, is amended to read:

77-1239. (1) The Tax Commissioner shall prepare a schedule of values for motor vehicles already manufactured or being manufactured.

(2) In preparation of the schedule of values for cabin trailers and motor homes, the Tax Commissioner shall deduct the value of household goods which are included in the value of the motor vehicle and which are exempt from taxation pursuant to subdivision (1)(d) of section 77-202.

(3) The Tax Commissioner shall adjust the schedule for current model year motor vehicles which have been previously licensed and registered or have over ten thousand miles on the odometer at the time of sale. The adjustment shall be at least a fifteen percent reduction in value.

Sec. 14. Section 77-1240.03, Revised Statutes Supplement, 1994, is amended to read:

77-1240.03. (1) Upon the transfer of title ownership of any motor vehicle, upon a change in the tax situs of a motor vehicle to a location outside of this state, upon the return of a motor vehicle registered by a dealer to the inventory of the dealer, upon a trade-in or surrender of a motor vehicle under a lease, or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes, the transferor, in the case of a transfer, the owner, in the case of a change in the tax situs, the dealer, in the case of a return to inventory, the lessee, in the case of a trade-in or surrender under a lease, or the last registered owner, in the case of a legislative act or court decision, shall be credited with or refunded the tax for the number of unexpired months remaining in the registration period from the date of transfer, date of registration in another state, date of return to inventory, date of trade-in or surrender, effective date of the legislative act, or date the court decision is rendered, except that when the motor vehicle is transferred, the tax situs is changed, the motor vehicle is returned to inventory, the motor vehicle is traded-in or surrendered, a legislative act is enacted, or a court decision is rendered within the same calendar month in which the vehicle is acquired, no credit or refund of the tax shall be allowed for that month.

(2) If the transferor, dealer, or lessee acquires another motor vehicle at the time of the transfer, return, trade-in, or surrender the transferor, dealer, or lessee shall have the credit provided for in this section applied toward payment of the motor vehicle tax then owing. Otherwise the transferor shall file a claim for refund with the county assessor upon a form prescribed by the Auditor of Public Accounts.

(3) The transferor, owner, dealer, lessee, or last registered owner shall make a claim for credit or refund of the tax for the unexpired months in the registration period within sixty

days from the date of transfer, date of registration in another state, date of return to inventory, date of trade-in or surrender, effective date of the legislative act, or date the court decision is rendered or shall be deemed to have forfeited his or her right to the refund.

(4) The county assessor shall certify to the county treasurer the amount of tax refund and the taxing unit where the motor vehicle is registered. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed, but no refund of less than two dollars shall be paid.

(5) If a county board consolidates services under the office of a designated county official other than the county assessor pursuant to section 23-186, the claim for refund shall be filed with the designated county official.

Sec. 17. Sections 1 to 7, 9 to 12, 15, 16, 18, and 20 become operative on January 1, 1996. The other sections of this bill become operative three calendar months after the adjournment of this legislative session.

Sec. 19. Original section 60-315, Reissue Revised Statutes of Nebraska, and sections 77-1239 and 77-1240.03, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a division of the question on the Schellpeper amendment.

The Chair sustained the division of the question.

The first Schellpeper amendment is as follows:
FA109

(Amendments to the E & R amendments, AM7058)

Sec. 13. Section 77-1239, Revised Statutes Supplement, 1994, is amended to read:

77-1239. (1) The Tax Commissioner shall prepare a schedule of values for motor vehicles already manufactured or being manufactured.

(2) In preparation of the schedule of values for cabin trailers and motor homes, the Tax Commissioner shall deduct the value of household goods which are included in the value of the motor vehicle and which are exempt from taxation pursuant to subdivision (1)(d) of section 77-202.

(3) The Tax Commissioner shall adjust the schedule for current model year motor vehicles which have been previously licensed and registered or have over ten thousand miles on the

odometer at the time of sale. The adjustment shall be at least a fifteen percent reduction in value.

Sec. 17. Sections 1 to 7, 9 to 12, 15, 16, 18, and 20 become operative on January 1, 1996. The other sections of this bill become operative three calendar months after the adjournment of this legislative session.

Sec. 19. Original section 60-315, Reissue Revised Statutes of Nebraska, and sections 77-1239 and 77-1240.03, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen offered the following amendment to the first Schellpeper pending amendment:
FA110
Amend FA109
PG 4 Line 8 strike or have and insert and has

The Coordsen amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Schellpeper pending amendment:
FA111
Amend AM1390
P. 4, line 9, strike "at least"

Mr. Withem requested a ruling of the Chair on whether the first Schellpeper amendment, FA109, is germane to the bill.

Mr. Chambers withdrew his amendment, FA111.

Mr. Schellpeper asked unanimous consent to withdraw his amendment, FA109. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 37A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 430. E & R amendment, AM7055, found in the Journal on page 1111, was adopted.

Messrs. Wehrbein and Will offered the following amendment:

AM1290

1. On page 4, line 3, after "steel" insert "or cement".

The Wehrbein-Will amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Lynch renewed his pending amendment, AM0912, found in the Journal on page 1126.

The Lynch amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 592A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 592, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 81.

LR	**Committee**
81	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1339

1. Insert the following new sections:

"Sec. 3. Section 28-318, Reissue Revised Statutes of Nebraska, is amended to read:

28-318. As used in sections 28-317 to 28-321, unless the context otherwise requires:

(1) Actor ~~shall mean~~ means a person accused of sexual

assault;

(2) Intimate parts ~~shall mean~~ means the genital area, groin, inner thighs, buttocks, or breasts;

(3) Past sexual behavior ~~shall mean~~ means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

(4) Serious personal injury ~~shall mean~~ means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(5) Sexual contact ~~shall mean~~ means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party;

(6) Sexual penetration ~~shall mean~~ means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration shall not require emission of semen; ~~and~~

(7) Victim ~~shall mean~~ means the person alleging to have been sexually assaulted;

(8) Without consent means:

(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identify of the actor or the nature or purpose of the act on the part of the actor;

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or

future ability to execute the threat.

Sec. 4. Section 28-319, Revised Statutes Supplement, 1994, is amended to read:

28-319. (1) Any person who subjects another person to sexual penetration ~~and~~ (a) ~~overcomes the victim by force, threat of force, express or implied, coercion, or deception~~ without consent of the victim, or (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.

(3) Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to not less than twenty-five years and shall not be eligible for parole.

Sec. 5. Section 28-320, Reissue Revised Statutes of Nebraska, is amended to read:

28-320. (1) Any person who subjects another person to sexual contact ~~and~~ (a) ~~overcomes the victim by force, threat of force, express or implied, coercion, or deception~~ without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.

(2) Sexual assault shall be in the second degree and is a Class III felony if the actor shall have caused serious personal injury to the victim.

(3) Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.".

2. On page 29, line 17, after the first comma insert "28-318, 28-320,"; and in line 20 after the first comma insert "28-319,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

AM1419

(Amendments to AM1246)

1. On page 1, line 19, reinstate the stricken "and"; in line 22 after "regulated" insert ", including potential takings

impacts,"; and strike the new matter in lines 23 and 24 and all amendments thereto.

2. On page 2, strike the new matter in lines 1 through 5 and all amendments thereto.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1207

(Amendments to AM1119)

1. Insert the following new section:

"Sec. 10. Section 77-2734.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2734.02. (1) ~~A~~ Except as provided in subsection (2) of this section, a tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) An insurance company shall be subject to taxation at the lesser of the rate described in subsection (1) of this section or the rate of tax imposed by the state or country in which the insurance company is domiciled if the insurance company can establish to the satisfaction of the Tax Commissioner that it is domiciled in a state or country other than Nebraska that imposes on Nebraska domiciled insurance companies a retaliatory tax against the tax described in subsection (1) of this section.

(3) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

~~(3)~~ (4) Each corporate taxpayer shall file only one income tax return for each taxable year.".

2. Strike amendment 2 and insert

"2. On page 8, line 19, after 'Original' insert 'sections 44-4233 and 77-2734.02, Reissue Revised Statutes of Nebraska, and'.".

3. Renumber the remaining section accordingly.
4. Insert underscoring in sections 5 to 9.

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM0909

(Amendments to E & R amendments, AM7056)

1. Insert the following new section:

"Sec. 33. Section 81-2269, Reissue Revised Statutes of Nebraska, is amended to read:

81-2269. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services, the Department of Public Institutions, and other appropriate state agencies to establish a statewide project to prevent premature institutionalization of nursing facility medicaid-eligible applicants sixty-five years of age and older through preadmission screening. ~~Such screenings shall be required for all applicants who will be eligible for medicaid within one year of application.~~ In any case in which a determination has not been made within forty-eight hours, the nursing facility applicant shall be deemed appropriate for nursing home admission, notwithstanding that a preadmission screening has not been done. The Department of Social Services shall use the preadmission screening services of the project.".

2. On page 45, line 8, strike "and" and after the last comma insert "81-2269,".

3. Renumber the remaining sections accordingly.

Messrs. Brashear and Hall asked unanimous consent to print the following amendment to LB 399 in the Journal. No objections. So ordered.

AM1386

(Amendments to E & R amendments, AM7079)

1. On page 2, line 6, strike "one thousand" and insert "two hundred fifty".

SELECT FILE

LEGISLATIVE BILL 494. E & R amendment, AM7057, found in the Journal on page 1111, was adopted.

Mr. Fisher renewed his pending amendment, AM0949, found in the Journal on page 1099.

The Fisher amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Coordsen offered the following amendment:
FA112

Page 3, Line 23: After "purposes" insert "except that the corporations shall not have the power of eminent domain."

The Coordsen amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 123 and LB 646. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 613. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 37. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

FA113

Amend AM1118

Pg 35, line 25, insert "medicaid eligible" before "applicants".

Pg 35, line 26, strike "Such screenings shall be required for all applicants who will be eligible for medicaid within one year of application."

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 840 in the Journal. No objections. So ordered.

AM1383

(Amendments to E & R amendments, AM7077)

1. On page 13, after line 19, insert the following new paragraph:

"The provisions of this section shall not effect any calculations for equalization aid distributed prior to fiscal year 1995-96.".

VISITORS

Visitors to the Chamber were students, teacher, and sponsor from Millard South High School and foreign exchange students from

Dortmund, Germany; Bill Fulcher from Sutherland; and Marie Cecil from Hastings and Betty Sandoe from Grand Island.

ADJOURNMENT

At 4:31 p.m., on a motion by Mrs. Witek, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SIXTH DAY - APRIL 5, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Lew Champ, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Hall, Landis, Lindsay, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 87, 145, 264, 303, 350, 407, 424, 448, 448A, 467, 581, 759, and 862.

Enrollment and Review Change to LB 264

The following changes, required to be reported for publication in the Journal, have been made:
ER9038
1. On page 1, line 8, "to define terms;" has been inserted after the semicolon.

2. On page 15, line 18, "department" has been struck, shown as stricken, and "Department of Roads" inserted.

Enrollment and Review Change to LB 303

The following changes, required to be reported for publication in the Journal, have been made:
ER9034

1. In the Hartnett amendment, AM1324, on page 7, line 4, an underscored comma has been inserted after "Court".
2. On page 1, lines 3 and 4, "to provide an operative date;" has been struck.

Enrollment and Review Change to LB 424

The following changes, required to be reported for publication in the Journal, have been made:
ER9035

1. In the Kristensen amendment, AM1344, section 19 has been renumbered as section 25 and the remaining sections renumbered and internal references corrected accordingly.
2. In the Kristensen amendment, AM1343:
   a. Section 53 has been renumbered as section 51;
   b. On page 6, lines 8 and 20, "limited liability company," has been inserted after the third comma; and
   c. On page 7, line 8, "commission" has been struck and "Public Service Commission" inserted.
3. On page 1, line 1, "motor carriers" has been struck and "the Public Service Commission" inserted; in line 3 "75-322.02" has been struck and "75-358" inserted; in line 5 "75-128," has been inserted after the last comma; in line 6 "75-136, 75-136.01," has been inserted after the second comma, "75-303.02, 75-304," has been inserted before "75-304.01", and "75-305, 75-306," has been inserted after the last comma; in line 8 "75-371, 75-381, and 75-382" has been struck and "and 75-371" inserted; in line 10 "the Public Service Commission and" has been inserted after the first "to"; in line 11 "to provide a duty for the Revisor of Statutes;" has been inserted after the first semicolon; and in line 13 "and" has been struck and "and 75-322.02 to 75-322.04," has been inserted after the last comma.

Enrollment and Review Change to LB 448

The following changes, required to be reported for publication in the Journal, have been made:
ER9036

1. On page 3, line 10, paragraphing has been inserted before "The".

Enrollment and Review Change to LB 467

The following changes, required to be reported for publication in the Journal, have been made:
ER9032

1. In the Coordsen amendment, AM1376, on page 2, line 14, "that" has been inserted after "except".
2. On page 1, line 1, "the Department of Motor Vehicles" has been struck and "motor vehicles" inserted; in line 5 ", 60-6,298" has been inserted after "60-4,181"; and in line 10 "to change provisions relating to special permits to operate vehicles on certain highways;" has been inserted after the first semicolon.
3. On page 24, line 12, "15, 17, and 19" and all amendments thereto have been struck and "16, 17, 19, and 21" inserted; in line 20 the second "and" has been struck; and in line 21 "and 60-6,298," has been inserted before "Revised".

(Signed) David I. Maurstad, Chairperson

MOTION - Reconsider Action on LB 548

Mrs. Witek renewed her pending motion, found in the Journal on page 1346, to reconsider the Bernard-Stevens amendment found on page 1282.

SPEAKER WITHEM PRESIDING

Messrs. Kristensen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on the Witek motion to reconsider.

Voting in the affirmative, 7:

Bernard-Stevens
Chambers
Coordsen
Jensen
Pirsch
Schellpeper
Witek

Voting in the negative, 22:

Abboud
Beutler
Brashear
Bromm
Crosby
Cudaback
Day
Engel
Hall
Janssen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robak
Schimek
Vrtiska
Warner
Wesely
Wickersham
Withem

Present and not voting, 14:

Avery
Bohlke
Brown
Elmer
Fisher
Hartnett
Hudkins
Jones
Preister
Robinson
Schmitt
Schrock
Stuhr
Wehrbein

Excused and not voting, 6:

Dierks
Hillman
Kristensen
Landis
Lindsay
Will

The Witek motion to reconsider lost with 7 ayes, 22 nays, 14 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 168. The Chambers pending amendment, FA105, found in the Journal on page 1401, to the Jones pending motion to bracket, found in the Journal on page 1401, was renewed.

Mr. Jones moved to invoke cloture on LB 168.

Mr. Jones moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Jones motion to invoke cloture prevailed with 34 ayes, 8 nays, 4 present and not voting, and 3 excused and not voting.

The Chambers amendment, FA105, lost with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Jones motion to bracket lost with 3 ayes, 31 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud
Avery
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 11:

Bernard-Stevens
Beutler
Chambers
Hall
Hartnett
Landis
Lindsay
Preister
Schimek

Wesely	Withem

Present and not voting, 2:

Brown	Lynch

Excused and not voting, 3:

Hillman	Kristensen	Will

Advanced to E & R for review with 33 ayes, 11 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 425. Mr. Chambers withdrew his motion, found in the Journal on page 1272, to indefinitely postpone.

Mr. Chambers renewed his pending amendment, FA90, found in the Journal on page 1285.

PRESIDENT ROBAK PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is germane to the bill.

Messrs. Janssen, Warner, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers
Coordsen
Landis
Wesely
Wickersham

Voting in the negative, 30:

Avery
Bernard-Stevens
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schrock
Vrtiska
Wehrbein
Witek
Withem

Present and not voting, 9:

Beutler
Dierks
Hall
Hudkins
Jones
Schellpeper
Schimek
Schmitt
Stuhr

Excused and not voting, 5:

Abboud
Bohlke
Hillman
Warner
Will

The Chambers amendment lost with 5 ayes, 30 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were 34 fourth grade students and sponsor from St. John Catholic School, Lincoln; 36 seniors and sponsor from Fort Calhoun; 48 fifth grade students and sponsor from Milliken Park Elementary, Fremont; Ron and Nora Kohles from Omaha; students from Centennial High School, Utica, Milford High School, and Bradshaw High School; and 45 fourth grade students and sponsor from Woodland Park Elementary, Norfolk.

RECESS

At 11:59 a.m., on a motion by Mr. Engel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Bromm, Chambers, Cudaback, Hall, Hartnett, Janssen, Kristensen, Landis, Schmitt, Warner, Will, Mmes. Robak, and Stuhr who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 752 in the Journal. No objections. So ordered.

AM1443

(Amendments to AM1388)

1. On page 1, line 8; and page 4, line 7, strike "mental illness" and insert "severe, persistent, and disabling psychiatric disorders".

2. On page 1, lines 14 and 15; and page 2, lines 26 and 27, strike beginning with "disabled" through "illness" and insert "with severe, persistent, and disabling psychiatric disorders".

3. On page 2, line 24, strike "and".

4. On page 3, line 3, before "case" insert "psychiatric rehabilitation services,"; and in line 5 after "services" insert "; and

(5) Severe, persistent, and disabling psychiatric disorders includes schizophrenia, bipolar disorder, and other psychiatric disorders".

5. On page 4, line 8, before "rehabilitation" insert "psychiatric".

GENERAL FILE

LEGISLATIVE BILL 425. Mr. Engel offered the following amendment:

AM1416

1. Strike original section 4 and all amendments thereto and insert the following new section:

"Sec. 4. (1) The Legislature finds that in order for state and local economic development programs and activities described in section 81-1201.09 to remain competitive with those of other states and localities, additional state funding for such programs and activities is needed. Therefor, the Selective Enhancement for Economic Development Fund is created. The Legislature recognizes that the Governor and the department need flexibility in the use of the fund in order to effectively promote economic development. The Legislature further intends that loans and grants from the Selective Enhancement for Economic Development Fund: (a) Be primarily targeted to businesses employing less than one hundred people, (b) be distributed to a range of communities or qualified businesses, primarily to small communities or businesses, and (c) be primarily targeted to supplement existing state and local economic development programs and activities.

(2) The department shall administer the fund under guidelines established by the Governor with the advice and consent of the commission. Such guidelines shall include loan or grant repayment provisions in the event the loan or grant recipient fails to perform in accordance with any commitments given in order to receive the loan or grant. The purpose of the fund are:

(a) To make revolving economic development loans;

(b) To make low-interest economic development loans at one-half of the rate of the primary lender; and

(c) To supplement existing economic development programs, including Community Development Block Grants and customized job training programs.

The fund shall be appropriated for such purposes. Any repayment of loans and interest shall be remitted to the State Treasurer for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. It is the intent of the Legislature that three million dollars be appropriated from the General Fund for FY1995-96 and three million dollars be appropriated from the General Fund for FY1996-97 to the Selective Enhancement for Economic Development Fund. No additional General Fund dollars shall be appropriated to the Selective Enhancement for Economic Development Fund after FY1996-97.

(3) The commission shall establish principles and processes for using the fund consistent with the economic development priorities of the state as determined by the commission in cooperation with the Governor and the department. Only projects consistent with such principles and processes shall be approved by the Governor. The Governor shall have the sole authority to give the final approval for all projects and activities which are established under the fund.

(4) The department shall submit an annual report of its activities under this section for the preceding calendar year to the Clerk of the Legislature not later than March 15. Each member of the Legislature shall receive a copy of such report by making a request to the department. The report shall list all projects and activities established under the fund during the preceding year and all loans made pursuant to this section that were outstanding during the preceding year.

(5) The report shall list (a) the recipients of loans or grants during the previous calendar year, (b) the identity of each recipient, and (c) the location of each project.

(6) The report shall also state by industry group (a) the number of jobs created, (b) the total number of employees employed in the state by the recipients on the last day of the calendar quarter prior to the application date and the total number of

employees employed in the state by the recipients on subsequent reporting dates, (c) the expansion of capital investment, (d) the estimated wage and benefit levels of jobs created subsequent to the application date, (e) the amount of loans or grants, and (f) the projected future state revenue gains and losses.

(7) No information shall be provided in the report that is protected by state or federal confidentiality laws.

(8) This section terminates on January 1, 2000, and at that time the money remaining in the Selective Enhancement for Economic Development Fund shall be returned to the General Fund and any money expended pursuant to subdivisions (2)(a) and (b) of this section shall also be returned to the General fund when repaid.".

2. On page 2, line 22, strike "and" and show as stricken; and in line 23 after "(8)" insert "Qualified business means any business engaged in the activities in subdivisions (a) through (e) of this section or in the storage, warehousing, distribution, transportation, or sale of tangible personal property. Qualified business does not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of food prepared for immediate consumption or are sales to the ultimate consumer of tangible personal property which is not assembled, fabricated, manufactured, or processed by the company or used by the purchaser in any of the following activities:

(a) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;

(b) The performance of data processing, telecommunication, insurance, or financial services. Financial services, for purposes of this subdivision, shall only include financial services provided by any financial institution subject to tax under sections 77-3801 to 77-3807 or any person or entity licensed by the Department of Banking and Finance or the Securities and Exchange Commission;

(c) The assembly, fabrication, manufacture, or processing of tangible personal property;

(d) The administrative management of any activities, including headquarter facilities, relating to such activity; or

(e) Any combination of activities listed in this section; and

(9)".

Mr. Bernard-Stevens offered the following amendment to the Engel pending amendment:
FA114

Amend AM1416

Pg 3 on line two insert a period (.) after the word "report" and striking "by making a request to the department" on line 3.

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the Engel pending amendment:
FA115
Amend AM1416 by:
Page 2 line 12; strike the word "three" and insert "five hundred thousand"
line 13; strike the word "three" and insert "five hundred thousand".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved to bracket LB 425 until May 2, 1995.

PRESIDENT ROBAK PRESIDING

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 37:

Avery
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 1:

Bohlke

Present and not voting, 5:

Bernard-Stevens
Brashear
Janssen
Schellpeper
Withem

Excused and not voting, 6:

Abboud Hillman Kristensen Landis Robak
Chambers

The motion to cease debate prevailed with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke and Mr. Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to bracket LB 425.

Messrs. Wehrbein, Jones, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, FA115.

Mr. Bernard-Stevens offered the following amendment to the Engel pending amendment:
FA116
Amend AM1416
Page 2, line 21; after the word "department." strike "only project and strike lines 22-25.

Ms. Day and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 120. Placed on General File as amended.
Standing Committee amendment to LB 120:
AM1394

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Legislature finds that it is in the public interest to support development of least cost energy sources, including support for research, development, and prudent use of renewable and nonrenewable supply-side technologies. The Legislature further finds that it is in the public interest to encourage energy efficiency and the use of indigenous energy sources. Consistent with this policy, the public utilities in Nebraska shall practice integrated resource planning and include least cost options when evaluating alternatives for providing energy supply and managing energy demand in Nebraska.

(2) For purposes of this section:

(a) Integrated resource planning means a planning process for new energy resources that evaluates the full range of alternatives, including new generating capacity, power purchases, energy conservation and efficiency, cogeneration and district heating and cooling applications, and renewable energy resources, in order to provide adequate and reliable service to its electric customers at the lowest system cost. The process shall take into account necessary features for system operation, such as diversity, reliability, dispatchability, and other factors of risk, shall take into account the ability to verify energy savings achieved through energy conservation and efficiency and the projected durability of such savings measured over time, and shall treat demand and supply resources on a consistent and integrated basis; and

(b) Least cost or least cost option means providing reliable electric services to electric customers which will, to the extent practicable, minimize life-cycle system costs, including adverse environmental effects, of providing the services. To the extent practicable, energy efficiency and renewable resources may be given priority in any least cost planning.

Sec. 2. Section 1 of this act and the repeal of section 70-627.01 shall not be construed to affect the operating authority of any electric generation facility owned or operated by any Nebraska electric utility on the effective date of this act.

Sec. 3. The Biopower Steering Committee is established. The committee may study the feasibility of generating electricity from the use of agricultural crops and of supporting a demonstration project which includes a gasification component. The project would use biomass fuel which is farm-grown closed-loop biomass or residue from agricultural or wood-product activities. The committee may collect information which may be used by all of Nebraska's public utilities to develop biopower electricity projects, including exploration of how the use of instate resources for electricity production might benefit the rural economy and economic analysis of benefits to Nebraska from use of instate rather than out-of-state resources.

The committee shall consist of: (1) Three representatives from the Nebraska Power Association and one public interest representative, all appointed by the chairperson of the Legislature's Committee on Natural Resources, and the Director of the State Energy Office or his or her designee and the Director of Economic Development or his or her designee; (2) two agricultural representatives appointed by the chairperson of the Legislature's Committee on Agriculture; and (3) the chairperson of the Legislature's Committee on Agriculture.

The committee shall seek grant funds and resources from Nebraska's public utilities and from other public and private sources to carry out any study and to implement any demonstration project which may be undertaken. The Biopower Development Cash Fund is created. Grant funds and resources received by the committee shall be remitted to the State Treasurer for credit to the Biopower Development Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. The Legislature finds and declares that:

(1) There are rural areas in the state which are experiencing declines in economic activity and the out-migration of rural residents which is eroding the tax base of those rural areas and undermining the ability of the state and local governments to provide essential public services;

(2) Rural economic development efforts can increase the productivity of economic resources, create and enhance employment opportunities, increase the level of income and quality of life for rural residents, assist in slowing or reversing the out-migration of rural residents, and help maintain essential public services to the advantage not only of those rural areas but also of the state as a whole and the electric utilities serving those rural areas;

(3) Funds may be available from the United States Department of Agriculture or other federal agencies to suppliers of electricity in rural areas to promote economic development and job creation projects;

(4) It is the policy of this state to promote economic development and job creation projects in rural areas through the use of federal funds and other funds which may be available as authorized in subsection (3) of section 70-625;

(5) Public power districts operating in rural areas of this state are uniquely situated through their boards of directors to know and understand the need to promote economic development and job creation projects in their service areas; and

(6) Involvement by publicly-owned electric utilities operating in rural areas in such economic development activities serves a public purpose and it is the public policy of this state to allow public power districts with annual gross revenue of less than fifty million dollars to promote economic development and job creation projects in rural areas as provided in subsection (3) of section 70-625.

Sec. 5. Section 70-625, Revised Statutes Supplement, 1994, is amended to read:

70-625. (1) Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

(2) In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts ~~(1)~~ (a) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce, ~~(2)~~ (b) to provide signal descrambling or decoding devices or satellite programming to any location ~~(a)~~ (i) being furnished such devices or programming on April 24, 1987, or ~~(b)~~ (ii) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or ~~(3)~~ (c) to sell, service, or lease C-band satellite dish systems or repair parts.

(3) In addition to the powers authorized by Chapter 70 and specified in its petition for creation as amended, the board of directors of a public power district with gross revenue of less than fifty million dollars per annum may apply for and use funds available from the United States Department of Agriculture or other federal agencies for grants or loans to promote economic development and job creation projects in rural areas as permitted under the rules and regulations of the federal agency from which the funds are received. Any loan to be made by a district shall only be made in participation with a bank pursuant to a contract. The district and the participating bank shall determine the terms and conditions of the contract. In addition, the board of directors of such district may provide technical or management assistance to prospective, new, or expanding businesses, including home-based businesses, provide assistance to a local or regional industrial or economic development corporation or foundation located within or contiguous to the district's service area, provide youth and adult community leadership training, and assist with enhancing the educational technology available to community schools.

(4) Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant

to the Nebraska Investment Finance Authority Act or under the authority given in this section.

Sec. 6. Sections 1 to 3 and 8 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 7. Original section 70-625, Revised Statutes Supplement, 1994, is repealed.

Sec. 8. The following section is outright repealed: Section 70-627.01, Reissue Revised Statutes of Nebraska.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 388. Placed on General File.
LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 510. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Pedersen, Hartnett, Avery, Withem, Hall, Will, and Beutler asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1431

(Amendments to Standing Committee amendments, AM0215)

1. Strike section 1 and insert the following section:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. (1) The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

(2) In the fourth district there shall be fourteen judges of the district court. ~~In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court.~~ In the fifth district there shall be four judges of the district court. In the ~~first, second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

(3) In the second judicial district there shall be three judges of the district court until increased to four judges pursuant to subdivision (a) or (b) of this subsection. In the third district there shall be six judges of the district court until increased to seven judges pursuant to subdivision (a) or (b) of this subsection.

(a) A judicial vacancy shall be transferred to the third judicial district if such judicial vacancy occurs pursuant to subsection (4) of this section before July 1, 1996. If a judicial vacancy is transferred to the third judicial district and a second judicial vacancy occurs pursuant to subsection (4) of this section before July 1, 1996, the second judicial vacancy shall be transferred to the second judicial district.

(b) If a judicial vacancy has not been transferred before July 1, 1996, to increase the number of judges, then on and after July 1, 1996, the number of judges shall be increased.

(4) In the first district there shall be three judges, of the district court until reduced to two judges. In the twelfth judicial district there shall be five judges of the district court until reduced to four judges. One vacancy in the first district and one vacancy in the twelfth district resulting from the death, retirement, resignation, or removal of a judge shall either be transferred pursuant to subdivision (3)(a) of this section if occurring before July 1, 1996, or not be filled if occurring on or after July 1, 1996.".

Messrs. Lindsay, Hartnett, Avery, Withem, Hall, Pedersen, Will, and Beutler asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1437

(Amendments to Standing Committee amendments, AM0215)

1. Strike section 1 and insert the following section:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. (1) The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

(2) In the fourth district there shall be fourteen judges of the district court. In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. Until subsection (3) of this section is in effect, in the second district there shall be three judges of the district court. In the seventh~~, eighth,~~ and tenth districts there

shall be two judges of the district court. Until subsection (3) of this section is in effect, in the eighth district there shall be two judges of the district court.

(3) In the event of the death, retirement, resignation, or removal of a district court judge of the eighth judicial district after the effective date of this act, a judicial vacancy is declared and the vacancy so declared is transferred to the second judicial district. Thereafter, in the eighth district there shall be one judge of the district court; and in the second district there shall be four judges of the district court.".

Messrs. Lindsay, Hartnett, Avery, Withem, Hall, Pedersen, Will, and Beutler asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1436

(Amendments to Standing Committee amendments, AM0215)

1. Strike section 1 and insert the following section:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. (1) The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

(2) In the fourth district there shall be fourteen judges of the district court. In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court. Until subsection (3) of this section is in effect, in ~~In~~ the fifth district there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. Until subsection (3) of this section is in effect, in the second district there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

(3) In the event of the death, retirement, resignation, or removal of a district court judge of the fifth judicial district after the effective date of this act, a judicial vacancy is declared and the vacancy so declared is transferred to the second judicial district. Thereafter, in the fifth district there shall be three judges of the district court; and in the second district there shall be four judges of the district court.".

GENERAL FILE

LEGISLATIVE BILL 425. Mr. Wickersham offered the following amendment to the Engel pending amendment:
FA117

(Amendment to AM1416)

1. On page 1, strike beginning with "The" on line 11 through "purpose" on line 23 and insert "(2) The purposes".

2. On page 2, line 2, after "lender" insert participating in the project for which the loan is granted;

3. On page 2, line 18 strike beginning with "establish" through "department" on line 21 and insert the following:

"adopt policies for the administration of the fund by the department. Such policies shall include:

"(a) no more than twenty-five percent of the fund, in aggregate, shall be approved annually for loans or grants, either directly or indirectly through communities, to businesses each of which employs more than one hundred employees;

(b) businesses eligible for a loan or grant from the fund, either directly or indirectly through communities, shall be businesses creating new employment of less than two hundred and fifty new employees;

(c) the terms and conditions of the loans or grants, including a requirement that collateral or security be provided to insure repayment of loans made from the fund, provided any collateral lien may be subordinated to other liens;

(d) the procedure for applying for a loan or grant from the fund; and

(e) any other policies necessary for the administration of the fund."

4. On page 2, in line 22, strike "principles and processes" and insert "policies".

Mrs. Bohlke, Messrs. Wehrbein, Pedersen, Coordsen, and Abboud asked unanimous consent to be excused until they returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Wickersham amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 148A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 148, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 505. Placed on Select File as amended.
E & R amendment to LB 505:
AM7081

1. On page 16, line 3, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 509. Placed on Select File as amended.
E & R amendment to LB 509:
AM7086

1. In the Standing Committee amendment, AM0482, on page 1, line 3, strike "who" and insert "that"; and in line 4 strike "who are".

2. On page 1, line 7; and page 10, line 13, strike "Revised Statutes Supplement, 1994" and insert "Reissue Revised Statutes of Nebraska".

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendment to LB 344:
AM7090

1. On page 1, line 2, strike "9-347.01,"; in line 5 strike "9-301, 9-303,"; in line 6 strike "9-321.02,", "9-327,", and "9-347,"; and in line 8 strike "define and".

2. On page 16, line 28, after "alternate" insert "bingo".

3. On page 24, line 23, after the first comma insert "a"; in line 25 after the first comma insert "to"; and in line 27 after the first comma insert "the" and strike "entity upon which" and insert "person upon whom".

4. On page 32, line 9, after "by" insert "the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act,"; and strike beginning with the first "the" in line 10 through the second comma in line 11.

5. On page 57, line 8, strike the comma and show as stricken.

6. On page 59, line 12, after the first comma insert "a"; in line 14 after the first comma insert "to"; and in line 16 after the first comma insert "the" and strike "which" and insert "whom".

7. On page 82, line 20, after the first comma insert "a"; in line 22 after the comma insert "to"; in line 24 after the comma insert "the"; and in line 25 strike "entity" and insert "person".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 642. Placed on General File.

LEGISLATIVE BILL 455. Placed on General File as amended.
Standing Committee amendment to LB 455:
AM1397

1. Insert the following new sections:

"Sec. 8. Section 68-1716, Revised Statutes Supplement, 1994, is amended to read:

68-1716. (1) The Department of Social Services shall evaluate the impact of the Welfare Reform Act, including, but not limited to, analysis of family outcomes related to attaining or regaining and maintaining economic self-sufficiency. The evaluation shall include opportunities for meaningful recipient input. The evaluation shall begin on the date of implementation of any approved waivers, and the results shall be reported to the Governor and the Legislature annually, not later than October 1, 1996, and each October 1 thereafter through October 1, 2000.

(2) At the end of each year, the department shall also report to the Legislature the numbers of adults declared ineligible for cash assistance under section 68-1723 because of a parent's failure to cooperate in carrying out the terms of a self-sufficiency contract.

Sec. 11. Section 68-1724, Revised Statutes Supplement, 1994, is amended to read:

68-1724. (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of two years for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the two-year time limit established in this section shall be extended for an additional period of not more than two years;

(b) The two-year time period for cash assistance shall begin when the self-sufficiency contract is signed or when any children born into the recipient family prior to the initial ten months of assistance reach the age of six months, whichever is later;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between the recipient family and the state which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months. A recipient family may be required to contribute up to twenty percent of such family's gross income for child care. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available;

(d) After receiving cash assistance under this section for two years at a monthly payment level not exceeding that provided in section 43-512, families shall receive no further cash assistance pursuant to this section for at least two years after the assistance period ends; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is no job available for adult members of the recipient family. It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance. For purposes of this section, extreme hardship means a recipient family does not have adequate cash resources to meet the costs of the basic needs of food and housing without continuing assistance, or the child or children are at risk of losing care by and residence with their parent or parents.

(2) Cash assistance conditions under the Welfare Reform Act shall be as follows:

(a) Adults in recipient families shall mean individuals at least nineteen years of age living with and related to a child eighteen years of age or younger and shall include parents, siblings, uncles, aunts, cousins, or grandparents, whether the relationship is biological, adoptive, or step;

(b) The payment standard shall be based upon family size. Any child born into the recipient family after the initial ten months of participation in the program shall not increase the cash assistance payment, except that child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment;

(c) The adults in the recipient family shall ensure that the minor children regularly attend school. Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the parent or parents have failed to take reasonable action to encourage the minor children of the recipient family ages sixteen and under to regularly attend school. No reduction of assistance shall be such as may result in extreme hardship. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance;

(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

(e) For minor parents, the assistance payment shall be based on the minor parent's income. If the minor parent lives with at least one parent, the family's income shall be considered in determining eligibility and cash assistance payment levels for the minor parent. If the minor parent lives independently, support shall be pursued from the parents of the minor parent. If the absent parent of the minor's child is a minor, support from his or her parents shall be pursued. Support from parents as allowed under this subdivision shall not be pursued when the family income is less than three hundred percent of the federal poverty guidelines; and

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.

Sec. 13. The Department of Social Services shall establish an advisory committee comprised of representatives of nonprofit agencies who provide services to low-income citizens of Nebraska. The advisory group may also include interested members of the public. The advisory committee shall exist for three years after the operative date of this section.

Sec. 14. It is the intent of the Legislature that by July 1, 1999, health insurance should be available to all citizens of Nebraska. The Governor should develop a plan to accomplish this goal. The plan should have as an initial priority health insurance access for children and youth. A report shall be made annually to the Legislature on or before January 1 of each year as to the progress that has been made in achieving the goal. While it is the intent of the Legislature that all Nebraskans have access to affordable health insurance, the plan should be developed to provide for health insurance for as many Nebraskans as possible.

Sec. 15. The standard of need for Aid to Dependent Children payments shall be adjusted on July 1 of every second year beginning July 1, 1997. The adjustment shall be made on the basis of the rate of growth of the Consumer Price Index as determined by the United States Department of Labor Bureau of Labor Statistics for the previous year. The Aid to Dependent Children payment made shall not be greater than the amount specified by section 43-512.

Sec. 16. In determining the rate of reimbursement for child care, the Department of Social Services shall conduct a market rate survey of the child care providers in the state. The department shall adjust the reimbursement rate for child care every second year beginning July 1, 1997, based on the results of the study.".

2. On page 8, strike line 28.

3. On page 9, strike lines 1 through 3 and 23 and 24; in line 4 strike "(f)" and insert "(d)"; in line 6 strike "(g)" and insert "(e)"; in line 7 strike "(h)" and insert "(f)"; in line 9 strike "(i)" and insert "(g)"; in line 11 strike "(j)" and insert "(h)"; in line 13 strike "(k)" and insert "(i)"; in line 16 strike "(l)" and insert "(j)"; in line 18 strike "(m)" and insert "(k)"; in line 20 strike "(n)" and insert "(l)"; in line 22 strike "(o)" and insert "(m)"; in line 25 strike "(q)" and insert "(n)"; and in line 27 strike "(r)" and insert "(o)".

4. On page 10, line 1, strike "(s)" and insert "(p)"; in line 3 strike "(t)" and insert "(q)"; in line 4 strike "(u)" and insert "(r)"; in line 6 strike "(v)" and insert "(s)"; in line 8

strike "(w)" and insert "(t)"; in line 12 strike "(x)" and insert "(u)"; in line 14 strike "(y)" and insert "(v)"; in line 16 strike "(z)" and insert "(w)"; in line 19 strike "(aa)" and insert "(x)"; in line 20 strike "(bb)" and insert "(y)"; and in line 22 strike "(cc)" and insert "(z)".

5. On page 14, line 15, after the comma insert "postsecondary education,".

6. Renumber the remaining sections and correct internal references accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM1460

(Amendments to AM1118)

1. On page 35, line 25, before "applicants" insert "medicaid-eligible"; and strike beginning with "Such" in line 26 through the period in line 27 and show as stricken.

Mr. Wesely asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1451

1. Insert the following new sections:

"Section 1. Section 44-4233, Reissue Revised Statutes of Nebraska, is amended to read:

44-4233. (1) Any member subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such member against its tax liability in the year of payment or subsequent years. For tax years commencing on or after January 1, 1992, the member may offset such paid assessments against (a) subsequent premium tax prepayments imposed by section 77-918, (b) subsequent premium tax payments imposed by section 77-908, and (c) related retaliatory tax liability imposed by section 44-150. Prior to January 1, ~~1996~~ 1998, no individual member shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1991 and for all subsequent years prior to January 1, ~~1996~~ 1998, whenever it reasonably appears to the satisfaction of the board that a member has during a calendar year paid assessments that exceed that member's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such member, order the refund to that member of the amount of the

assessment that exceeded that member's premium and related retaliatory tax liability. A member's request for a refund shall be filed with the board not later than thirty days after the due date of the member's premium tax return filed with the department. If the refund is not made by the board within thirty days after receipt of the refund request, the member may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that member's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.

Sec. 5. Sections 5 to 8 of this act shall be known and may be cited as the Health Care Purchasing Pool Act.

Sec. 6. The Legislature recognizes that a pooling mechanism offers the potential to purchase health care at more affordable prices. The Legislature further recognizes that health care purchasing pools do not require that all groups have the same type of health care coverage or benefits and that many options are available.

It is the intent of the Legislature to establish a process to determine whether there should be a coordinated purchasing process for some or all publicly sponsored health care coverage in order to reduce costs and to promote the most efficient methods of financing and coordinating health care services. It is also the intent of the Legislature that the process established also determines whether a health care purchasing pool if established should be made available to individuals, small employer groups, and other associations.

Sec. 7. The Director of Health shall report to the Legislature and the Governor by December 1, 1995, as to whether a health care purchasing pool should be established and recommendations concerning who should be included in such a pool. The report should include recommendations for a governing structure for the pool and recommendations concerning the operation and management of the pool.

Sec. 8. The report of the Director of Health under section 7 of this act shall also include:

(1) The benefits of consolidating administrative functions on behalf of participants in the pool, including claims processing, utilization review, management reports, and benefit management;

(2) Evaluation of potential cost savings;

(3) A recommendation as to whether to place the medical and acute care components of the medical assistance program established under sections 68-1018 to 68-1025 or persons currently participating in the Comprehensive Health Insurance Pool into a

health care purchasing pool. The recommendations shall include whether the health care purchasing pool should be available to individuals, small employers, or associations who may choose to participate in the pool;

(4) Other recommendations regarding purchasing strategies and techniques for efficient administration that have potential application to all state-purchased health services; and

(5) Recommendations to insure access to quality care, including assuring reasonable access to local providers, especially for persons residing in rural areas.".

2. On page 8, line 19, after "sections" insert "section 44-4233, Reissue Revised Statutes of Nebraska, and sections".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1452

1. Insert the following new section:

"Sec. 4. Efforts to reform the health care system at the state level have been hampered due to preemption of self-insured plans under the current terms of the federal Employee Retirement Income Security Act of 1974, and elements of reform will not be applicable unless and until a waiver of the applicable provisions of the federal law is received from the Congress of the United States. The Governor or his or her designee shall take all appropriate actions to submit such a waiver and secure its passage by Congress.".

2. Renumber the remaining section accordingly.

Mr. Janssen asked unanimous consent to print the following amendment to LB 581 in the Journal. No objections. So ordered.

AM1430

(Amendments to Final Reading copy)

1. On page 2, line 9, after the third period insert "The litter fee shall be calculated based on the gross proceeds of sales at each individual location of the business operations of a retailer, unless the retailer chooses to file a combined litter fee return for business operations conducted at two or more locations.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1474

(Amendments to Standing Committee amendments, AM0903)

1. Strike amendment 2 and insert the following new amendments:

"1. Strike original section 14.

3. Insert the following new section:

'Sec. 15. Section 11 of this act becomes operative July 1, 1997. The other sections of this act become operative on their effective date.'.

4. On page 3, strike beginning with 'raised' in line 5 through 'section' in line 18 and insert 'appropriated from the General Fund'; and in line 26 strike '12' and insert '13'.

8. On page 8, line 7, after the first comma insert 'and'; and in lines 7 and 8 strike ', and the Litigation Support Fund'.".

2. On page 1, strike beginning with "shall" in line 5 through "and" in line 6.

3. Renumber the remaining amendments accordingly.

GENERAL FILE

LEGISLATIVE BILL 425. Mr. Hall offered the following amendment to the Engel pending amendment:
FA118

Amend AM1416 (Engel amendment)

On P. 3, line 2, after "report" strike "by making a request to" and insert "from"

Mr. Hall withdrew his amendment.

Mr. Beutler offered the following amendment to the Engel pending amendment:
FA119

Amend AM1416 as follows

Strike the sentence that begins on line 11, page 2.

The Beutler amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mr. Hall offered the following amendment to the Engel pending amendment:
FA120

Amend AM1416 on p. 4, line 2 after "section" insert "." (a period) and strike from "or" in line 2, thru the period "." in line 4.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Beutler
Chambers
Hall
Landis
Lindsay
Preister
Schimek
Wesely
Withem

Voting in the negative, 17:

Brashear
Bromm
Brown
Day
Dierks
Engel
Fisher
Jensen
Kristensen
Maurstad
Pirsch
Robinson
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Present and not voting, 15:

Avery
Bohlke
Crosby
Cudaback
Elmer
Hartnett
Hudkins
Janssen
Jones
Matzke
McKenzie
Robak
Schmitt
Schrock
Will

Excused and not voting, 7:

Abboud
Coordsen
Hillman
Lynch
Pedersen
Schellpeper
Witek

The Hall amendment lost with 10 ayes, 17 nays, 15 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 87. Introduced by Kristensen, 37; Pedersen, 39; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Chambers, 11; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, Bill Tallichet became a Sergeant at Arms for the Legislature in January of 1986; and

WHEREAS, after completing his education at the University of Nebraska, Bill Tallichet taught History at Irving Junior High from 1945-1975; and

WHEREAS, Bill Tallichet was involved in many activities, an example of which was serving as a volunteer at the Memorial Stadium Press Box for forty-four years; and

WHEREAS, Bill Tallichet took pride in Nebraska's legislative process and worked diligently to help make the Legislature run as smoothly as possible; and

WHEREAS, Bill Tallichet approached his work with the Legislature in a gentle, friendly, kind, and caring manner; and

WHEREAS, Bill Tallichet fulfilled his responsibilities with dignity and decorum while maintaining his special sense of humor; and

WHEREAS, through his work with the Legislature, Bill Tallichet made many friends who will miss him deeply; and

WHEREAS, Bill Tallichet died on Wednesday, April 5, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges Bill Tallichet's lifetime of public service and his sincere dedication to the Nebraska Legislature.
2. That the Legislature extends its sympathy to Bill's wife Helen, his son Bob, his daughter-in-law Julie, and his grandsons Jacques and Pierce.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FA121

Amend Wickersham amendment
Strike lines 8 - 10

Mr. Chambers asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FA122

Amend Wickersham amendment
1. In lines 7 and 19, after "policies" insert "and procedures".
2. In line 12, strike "less" and insert "fewer".

VISITORS

Visitors to the Chamber were Senator Vrtiska's sister and brother-in-law, Florine and Andrew Schultz; 40 juniors, seniors, and teachers from Kearney; 50 fourth grade students and sponsor from Morton Elementary, Hastings; 62 seniors and teacher from Minden; six seniors and teacher from Wilcox; 25 juniors, seniors, and teacher from Axtell; and Lyle and Audrey Schuh from Omaha.

The Doctor of the Day was Bruce Feller from Lincoln.

ADJOURNMENT

At 5:01 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SEVENTH DAY - APRIL 6, 1995

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - APRIL 6, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Father Lloyd Gnirk, Roncalli High School, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Hillman, and Mr. Wesely who were excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Lindsay, Matzke, Warner, Will, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1471, line 32, strike "withdrew" and insert "withdraw".
The Journal for the fifty-fifth day was approved as corrected.
Page 1507, line 27, add "Hillman, 48;".
Page 1508, line 4, strike "year" and insert "years".
The Journal for the fifty-sixth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 434. Placed on Select File as amended.
(E & R amendment, AM7092, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:
AM7091

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 79-3801, Reissue Revised Statutes of Nebraska, is amended to read:

79-3801. Sections 79-3801 to 79-3824 and sections 2 and 3 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 2. (1) If (a) federal legislation is enacted by October 1, 1995, providing that payments under section 3(d)(2)(B) of Public Law 81-874 are not required to be refunded for school year 1990-91 and (b) federal legislation is enacted with an effective date not later than October 1, 1995, (i) providing that funds need not be restored or reimbursed to affected local education agencies from state aid distributions for school year 1990-91 and deeming Nebraska not certified for school years 1991-92 through 1994-95 or (ii) deeming Nebraska to be certified for school year 1990-91 and deeming Nebraska not certified for school years 1991-92 through 1994-95, then on or about October 15, 1995, the department shall make payments, from funds separately appropriated for such purpose, to school districts which in school year 1990-91 received less state aid under the Tax Equity and Educational Opportunities Support Act than they would have received if no federal impact aid entitlements had been included in the calculation of district formula resources pursuant to section 79-3811. Each such school district shall receive the amount by which its state aid for school year 1990-91 was less than it would have been if no impact aid entitlements had been considered in the calculation of its state aid. No payments shall be made under this section to any school district which receives federal impact aid entitlements under section 3(d)(2)(B) of Public Law 81-874 or any similar provision of the 1994 reenactment of the impact aid statutes. Payments made pursuant to this section shall not be considered as district formula resources for purposes of calculation of state aid under the Tax Equity and Educational Opportunities Support Act.

(2) If no funds are separately appropriated by the Legislature under subsection (1) of this section, since funds for the school year 1990-91 may not be otherwise subject to adjustment under Chapter 79, the department shall set aside from the amount appropriated to the Tax Equity and Educational Opportunities Fund for school year 1995-96 the amounts specified in such subsection and (a) if the federal legislation referred to in such subsection is enacted as provided therein, the department shall pay from the funds set aside the amounts specified in such subsection to the school districts specified in such subsection on or about October 15, 1995, or (b) if the federal legislation referred to in such subsection is not enacted, the funds set aside pursuant to this subsection shall be held by the department until it is finally determined, by appeal or otherwise, whether Nebraska is certified

to take into consideration impact aid entitlements under Public Law 81-874 for state aid distribution for school year 1990-91. If Nebraska is so certified, such funds shall be reappropriated to the Tax Equity and Educational Opportunities Fund for distribution pursuant to the distribution formula in the Tax Equity and Educational Opportunities Support Act. If Nebraska is not so certified, the department shall pay from the funds set aside the amounts specified in subsection (1) of this section to the school districts specified in such subsection within sixty days after the final determination. Payments made pursuant to this section shall not be considered as district formula resources for purposes of calculation of state aid under the act.

Sec. 3. Nothing in the Tax Equity and Educational Opportunities Support Act shall be construed as altering, amending, or changing in any manner the duties or obligations of the department under section 79-1369, nor shall the provisions of the act be construed as relieving the department of its obligation to make appropriate aid allocation adjustments following a final determination of the amount of funds due to any school district under the provisions of or through the operation of the act.

Sec. 4. Original section 79-3801, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendment to LB 874:
AM7082

1. On page 1, line 1, after "amend" insert "section 53-168.06, Reissue Revised Statutes of Nebraska, and"; in line 2 strike "53-192.01" and insert "53-123.15"; and strike lines 3 and 4 and insert "provisions relating to vintage wines and the handling and carrying of alcoholic liquors by minors; to define a term; and to repeal the original sections.".

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 88. Introduced by Stuhr, 24; Coordsen, 32; Bromm, 23.

WHEREAS, Craig A. Cooperrider served as Executive Director of Pioneer Mental Health Center serving Seward, York, Butler, Saline, Polk, and Saunders counties for six years beginning in October, 1987. In this capacity, he provided and coordinated psychological services for the center, including individual and group psychotherapy, evaluations, consultations, and education; and

WHEREAS, Craig Cooperrider served as Director of Training and Staff Development for the State Department of Education's Vocational Rehabilitation Services prior to his work at the Pioneer Mental Health Center, and in 1982, he was selected by his peers as Counselor of the Year by the Rehabilitation Counseling Association of Nebraska; and

WHEREAS, Craig Cooperrider co-authored and published a book entitled Clinical Pharmacology with Gary W. Larson in 1988; and

WHEREAS, Craig Cooperrider dedicated his life to helping the people, and particularly the abused children, of Seward, York, Butler, Saline, Polk, and Saunders counties and brought service to those in our community that many would not wish to serve. Services to all were provided in an always accepting manner by Craig; and

WHEREAS, Craig Cooperrider received his Bachelors Degree from Midland Lutheran College, in Fremont, Nebraska, where he graduated Magna Cum Laude, was the recipient of the Outstanding Young Alumni Award, and was to receive a Master Teacher's Award in April 1995; and

WHEREAS, Craig Cooperrider, as a young man, received an Eagle Scout Award and continued this vein as a scout leader with his son's scout troop, and as a member of St. Andrew's Lutheran Church, he served on many committees including the pastoral call committee, church council, and youth and family ministries; and

WHEREAS, Craig Cooperrider, spent much of his life in public service and as a civic leader working for the interests of others and achieving meaningful and necessary goals in the eyes of all and he earned the respect of his peers and the public to whom he dedicated much of his life serving; and

WHEREAS, Craig Cooperrider's life ended prematurely on March 6, 1995, at age forty as the result of a fatal automobile accident.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Craig A. Cooperrider be recognized for his work and dedication to this state and his community.
2. That the condolences and sympathy of the members of the Legislature are extended to the family of Craig Cooperrider.
3. That a copy of this resolution be sent to the family of Craig A. Cooperrider.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Robak, 22.

WHEREAS, Matthew Wright is a seventh-grader at Bible Baptist Christian School in Columbus, Nebraska; and

WHEREAS, Matthew won the Platte County Spelling Bee for three years in a row; and

WHEREAS, Matthew bested eighty-eight spellers to win the Midwest Spelling Bee; and

WHEREAS, Matthew will represent Nebraska in the national spelling championships in Washington, D.C., in May.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its congratulations and best wishes to Matthew Wright.
2. That a copy of this resolution be sent to Matthew Wright.

Laid over.

LEGISLATIVE RESOLUTION 80. Read. Considered.

LR 80 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 87. Read. Considered.

LR 87 was adopted with 38 ayes, 0 nays, and 11 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 425. Mr. Chambers offered the following amendment to the Engel pending amendment, AM1416, found in the Journal on page 1485:

FA123

Amend Engel amendment (AM1416)

On page 1, strike beginning with "The" on line 3 through "development." on line 11 and insert "To provide a degree of flexibility in achieving the purposes of the programs and activities described in section 81-1201.09, the Selective Enhancement for Economic Development Fund is hereby created."

Messrs. Bernard-Stevens and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA123, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA123.

Mr. Chambers offered the following substitute amendment to the Engel pending amendment:

FA124

Amend Engel amendment (AM1416)

On page 1, strike beginning with "The" on line 3 through "development." on line 11 and insert "To provide a degree of flexibility in achieving the purposes of the programs and activities described in section 81-1201.09, and to remain competitive with those of other states and localities, the Selective Enhancement for Economic Development Fund is hereby created."

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Engel pending amendment:
FA125

Amend Engel amendment (AM1416)
P. 2, line 6, strike "such" and insert "no other".

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Engel pending amendment:
FA126

Amend the Wickersham amendment to the Engel amendment
On line 9 after "to" add the word "qualified"
On line 12 after "be" add the word qualified

The Beutler amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment to the Engel pending amendment:
FA127

Amend the Wickersham amendment to the Engel amendment
Add after line 18
(f) a finding with respect to each loan and grant that competition from another state is a factor in the qualified business's division to establish a qualified business or expand a qualified business.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers renewed his pending amendment, FA122, found in the Journal on page 1508, to the Engel pending amendment.

The Chambers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers renewed his pending amendment, FA121, found in the Journal on page 1508, to the Engel pending amendment.

Mr. Chambers withdrew his amendment.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Engel moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Maurstad requested a record vote on the Engel amendment, AM1416, as amended.

Voting in the affirmative, 39:

Avery
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Witek

Excused and not voting, 8:

Abboud
Bernard-Stevens
Brown
Dierks
Hillman
Kristensen
Wesely
Will

The Engel amendment, as amended, was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 37 ayes, 2 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 425A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 2 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FA128

Amend Wickersham amendment

Strike lines 8-13 and insert: "No loans or grants shall be approved either directly or indirectly to businesses which employ more than one hundred employees."

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 609. Placed on Select File as amended.
E & R amendment to LB 609:
AM7094

1. On page 1, line 1, after the first comma insert "3-107,"; and in line 5, strike "public" and insert "privately owned public use".

2. On page 3, line 15, strike the second comma and show as stricken; and in line 18 after "systems" insert an underscored comma.

3. On page 7, lines 25 and 26, strike "for state employees.", show as stricken, and insert an underscored period.

4. On page 8, line 28, after "county" insert an underscored comma.

5. On page 10, line 24, strike "sections" and show as stricken.

6. On page 11, line 23, strike "and" and show as stricken.

7. On page 12, line 8, after the first comma insert "with".

LEGISLATIVE BILL 447. Placed on Select File.

LEGISLATIVE BILL 524. Placed on Select File as amended.
E & R amendment to LB 524:
AM7083

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-512.07, Reissue Revised Statutes of Nebraska, is amended to read:

43-512.07. (1) Any action, payment, aid, or assistance listed in subdivisions (a) through (c) of this subsection shall constitute an assignment by operation of law to the Department of Social Services of any right to spousal or medical support when ordered by the court and to child support whether or not ordered by the court which a recipient may have in his or her own behalf or on behalf of any other person for whom an applicant receives such payments, aid, or assistance, including any accrued arrearages as of the time of the assignment:

(a) Application for and acceptance of one or more aid to dependent children payments by a parent, another relative, or a custodian;

(b) Receipt of aid by or on behalf of any dependent child as defined in section 43-504; or

(c) Receipt of aid from child welfare funds.

The department shall be entitled to retain such child, spousal, or other support up to the amount of payments, aid, or assistance provided to a recipient. For purposes of this section, the right to receive current and past-due child support shall belong to the child and the assignment shall be effective as to any such support even if the recipient of the payments, aid, or assistance is not the same as the payee of court-ordered support.

(2) After notification of the clerk of the district court receiving the child, spousal, or other support payments made pursuant to a court order that the person for whom such support is ordered is a recipient of payments, aid, or assistance listed in subsection (1) of this section, the department shall also give notice to the payee named in the court order at his or her last-known address.

(3) Upon written or other notification from the department or from another state of such assignment of child, spousal, or other support payments, the clerk of the district court shall transmit the support payments received to the department or the other state without the requirement of a subsequent order by the court. The clerk of the district court shall continue to transmit the support payments for as long as the payments, aid, or assistance listed in subsection (1) of this section continues.

(4) Any court-ordered child, spousal, or other support remaining unpaid during the period of the assignment shall constitute a debt and a continuing assignment at the termination of payments, aid, or assistance listed in subsection (1) of this section, collectible by the department or other state as reimbursement for such payments, aid, or assistance. However, any assignment pursuant to subdivisions (1)(b) and (1)(c) of this section shall be limited to the amount of child support due for any months during which such payments, aid, or assistance was made. The continuing assignment shall only apply to support payments made during a calendar period which exceed the specific amount of support ordered for that period. When payments, aid, or assistance listed in subsection (1) of this section have ceased and upon notice by the department or the other state, the clerk of the district court shall continue to transmit to the department or the other state any support payments received on arrearages in excess of the amount of support ordered for that specific calendar period until notified by the department or the other state that the debt has been paid in full, except that any amount of support arrearages that has accrued or accrues after termination of payments, aid, or assistance listed in subsection (1) of this section shall be paid first by the clerk to the person to whom support is due before any reimbursement is made to the department or the other state.

Sec. 2. Original section 43-512.07, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 524A. Placed on Select File.

LEGISLATIVE BILL 326. Placed on Select File as amended.
E & R amendment to LB 326:
AM7084

1. On page 2, lines 11 and 13, strike "retained" and insert "retrained".

LEGISLATIVE BILL 326A. Placed on Select File.

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendment to LB 541:
AM7088

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 60-311.16, Revised Statutes Supplement, 1994, is amended to read:

60-311.16. (1) Any person who is the owner of a historical vehicle which is thirty or more years old at the time of making application for registration or transfer of title may upon application register the same as a historical vehicle upon payment of a fee of fifty dollars for each vehicle and be furnished license plates of distinctive design in lieu of the usual license plates.

Such plates in addition to the identification number shall have the words historical and Nebraska for identification. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(2) In addition to the fee specified in subsection (1) of this section, there shall be an initial processing fee of ten dollars to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector.

(3) Each collector applying for registration under this section other than a nonprofit organization described in sections 21-608 and 21-609 must own and have registered one or more vehicles with regular plates which he or she uses for regular transportation.

(4) A collector, upon selling or otherwise relinquishing ownership of a historical vehicle, may have its registration and license plate transferred to another vehicle of the same category in his or her possession upon payment of a fee of twenty-five dollars.

(5) A vehicle manufactured as a reproduction or facsimile of a historical vehicle shall not be eligible for registration under this section unless it has been in existence for thirty years or more. The age shall be calculated from the date the vehicle was originally assembled as a facsimile vehicle.

(6) Collectors who, on August 24, 1975, have vehicles registered and licensed as antique vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the Department of Motor Vehicles sworn to by the vehicle owner that the vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the vehicle.

(7) An owner of a historical vehicle eligible for registration under this section may use a license plate or plates issued by this state in the year corresponding to the model year date when the vehicle was manufactured in lieu of the plates issued pursuant to subsection (1) of this section subject to the approval of the department. The department shall inspect the plate or plates and may approve ~~them~~ the plate or plates if it is determined that the model year date license plate or plates are ~~is~~ legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department. The department may consult with an organization of old car hobbyists in determining whether the date of the year of the license plate or plates to be used corresponds to the model year date when the vehicle was manufactured. If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate

on the vehicle even for years in which two license plates were issued for vehicles in general.

In addition to the fees specified in subsections (1) and (2) of this section, the department shall charge and collect a fee of twenty-five dollars for registration under this subsection. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(8) The department may adopt and promulgate rules and regulations to implement this section.

(9) The application for registration of a historical vehicle shall be made on a form prescribed and furnished by the department. Such form shall contain a description of the vehicle owned and sought to be registered, including the make, body type, model, serial number, and year of manufacture. It shall also include a description of any vehicle owned by the applicant and registered by him or her with regular registration plates and used for regular transportation, which description shall include make, body type, model, serial number, year of manufacture, and the Nebraska registration number assigned to the vehicle. The application shall also include an affidavit sworn to by the vehicle owner that the historical vehicle is being collected, preserved, restored, and maintained by the applicant as a hobby and not for the general use of the vehicle for the same purposes and under the same circumstances as other motor vehicles of the same type.

Sec. 2. Original section 60-311.16, Revised Statutes Supplement, 1994, is repealed.".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 871. Title read. Considered.

Standing Committee amendment, AM1200, found in the Journal on page 1318, was considered.

Mrs. Bohlke and Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mr. Maurstad and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

VISITORS

Visitors to the Chamber were 38 eighth grade students and teacher from Lincoln Christian School, Lincoln; a group from Dijon, France and sponsor from Lincoln; a group from U.S. West and McMillian Jr. High Monarch Connection, Omaha; 50 fourth grade students and sponsors from Alcott Elementary, Hastings; and 25 fourth grade students and sponsor from Seward.

RECESS

At 11:57 a.m., on a motion by Mrs. Robak, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Hillman, and Mr. Wesely who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Chambers, Dierks, Landis, Pedersen, Robinson, Schellpeper, Schrock, Wickersham, Mmes. Bohlke, Pirsch, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 599. Placed on Select File as amended.
E & R amendment to LB 599:
AM7099

1. On page 1, line 2, after the fifth comma insert "45-126,"; in line 3 after the first comma insert "45-347,"; in line 5 after the fourth comma insert "45-927,"; and in line 9 after the semicolon insert "to harmonize provisions;".

2. On page 2, line 8, after "directors" insert an underscored comma; in line 10 reinstate the stricken comma; and in line 17 strike "(9)", show as stricken, and insert "(10)".

3. On page 12, line 12, strike "45," and insert "or 45".

4. On page 16, line 23, strike the comma.

LEGISLATIVE BILL 456. Placed on Select File as amended.
E & R amendment to LB 456:
AM7095

1. On page 4, lines 13 and 21; and page 5, line 2,

strike the comma.

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendment to LB 626:
AM7085

1. In the Standing Committee amendments, AM0299, on page 1, line 5, before "except" insert a comma.

2. On page 1, strike beginning with the third "to" in line 1 through line 3; and in line 4 after "of" insert "compliance review".

LEGISLATIVE BILL 194. Placed on Select File.
LEGISLATIVE BILL 756. Placed on Select File.
LEGISLATIVE BILL 187. Placed on Select File.
LEGISLATIVE BILL 601. Placed on Select File.
LEGISLATIVE BILL 372. Placed on Select File.

LEGISLATIVE BILL 381. Placed on Select File as amended.
E & R amendment to LB 381:
AM7093

1. On page 3, line 28, after "Superintendent" insert "of Law Enforcement and Public Safety".

LEGISLATIVE BILL 381A. Placed on Select File.

LEGISLATIVE BILL 449. Placed on Select File as amended.
E & R amendment to LB 449:
AM7097

1. In the Standing Committee amendment, AM0330, on page 1, line 8, strike "(a) the" and insert ": The"; in line 11 strike ", (b)" and insert an underscored semicolon; and in line 12 strike ", and (c)" and insert "; and".

2. On page 1, line 3, after the semicolon insert "to provide for rules and regulations and a fee;".

LEGISLATIVE BILL 449A. Placed on Select File.

LEGISLATIVE BILL 563. Placed on Select File as amended.
E & R amendment to LB 563:
AM7096

1. In the Standing Committee amendment, AM0341, on page 1, line 18, strike the underscored period.

2. On page 9, line 20, strike "11" and insert "9".

3. On page 26, line 26, strike "Nurse-Midwifery" and insert "Nurse Midwifery Practice".

4. On page 31, line 18, reinstate the stricken "shall".

5. On page 37, line 16, after "statutes" insert an underscored comma.

6. On page 42, line 10, strike the period and insert an

underscored semicolon; and in line 13 strike the period and insert "; and".

LEGISLATIVE BILL 563A. Placed on Select File.

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendment to LB 396:
AM7098

1. On page 1, line 3, strike "recording" and insert "releases and reconveyances".

(Signed) David I. Maurstad, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 80 and 87.

GENERAL FILE

LEGISLATIVE BILL 646. Title read. Considered.

Standing Committee amendment, AM0903, found in the Journal on page 1103, was considered.

Mr. Kristensen renewed his pending amendment, AM1474, found in the Journal on page 1505, to the Standing Committee amendment.

Messrs. Jones and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Withem, Wehrbein, and Brashear asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1478

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1994, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be eighty-eight thousand one hundred fifty-seven dollars and thirty cents. On July 1, 1995, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-one thousand six hundred eighty-three dollars and fifty-nine cents. On July 1, 1996, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-four thousand eight hundred ninety-two dollars and fifty-two cents. ~~sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. Original section 24-201.01, Revised Statutes Supplement, 1994, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Warner asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

AM1450

1. On page 3, line 1, after the stricken "six" insert "four" and reinstate the stricken "hundred thousand".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 438. Placed on Select File as amended.
E & R amendment to LB 438:
AM7101

1. On page 1, line 2; and page 12, line 21, strike "48-735,".

2. On page 5, line 3, after "boilers" insert an underscored comma.

3. On page 8, line 17, strike the semicolon and insert an underscored period.

4. On page 9, line 15, after "adopted" insert "and promulgated".

LEGISLATIVE BILL 438A. Placed on Select File.

LEGISLATIVE BILL 251. Placed on Select File as amended.
E & R amendment to LB 251:
AM7087

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Any person who withdraws ground water for agricultural purposes, or for any purpose pursuant to a ground water remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes, from aquifers located within the State of Nebraska may transfer the use of the ground water off the overlying land if the ground water is put to a reasonable and beneficial use within the State of Nebraska and is used for an agricultural purpose, or for any purpose pursuant to a ground water remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes, after transfer, and if such withdrawal, transfer, and use (a) will not significantly adversely affect any other water user, (b) is consistent with all applicable statutes and rules and regulations, and (c) is in the public interest. For purposes of this section, domestic has the same meaning as in section 46-613.

(2) Any affected party may object to the transfer of ground water by filing written objections, specifically stating the grounds for such objection, in the office of the natural resources district containing the land from which the ground water is withdrawn. Upon the filing of such objections or on its own initiative, the natural resources district shall conduct a preliminary investigation to determine if the withdrawal, transfer, and use of ground water is consistent with the requirements of subsection (1) of this section. Following the preliminary investigation, if the district has reason to believe that the withdrawal, transfer, or use may not comply with any rule or regulation of the district, it may utilize its authority under the Nebraska Ground Water Management and Protection Act to prohibit such withdrawal, transfer, or use. If the district has reason to believe that the withdrawal, transfer, and use is consistent with all rules and regulations of the district but may not comply with one or more other requirements of subsection (1) of this section, the district shall request that the Department of Water Resources hold a hearing on such transfer.

(3) At the hearing, all interested persons may appear and present testimony. Agencies or political subdivisions of this state and the appropriate natural resources districts shall offer as evidence any information in their possession which they deem relevant to the purposes of the hearing. After the hearing, if the Director of Water Resources finds that the withdrawal, transfer, or use of ground water is contrary to the requirements of subsection (1) of this section, he or she shall issue a cease and desist order

prohibiting the withdrawal and transfer.

(4) The director may adopt and promulgate rules and regulations to carry out this section.".

2. On page 1, line 2, after "prescribed" insert "; to provide procedures for objections; and to provide for rules and regulations".

LEGISLATIVE BILL 488. Placed on Select File.
LEGISLATIVE BILL 527. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

PROPOSED RULES CHANGE

Mr. Wickersham asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 6, Section 3(h):

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

Rule 6, Section 5(b):

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

Rule 6, Section 6(a):

(a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members unless such amendment is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members. No amendment to a bill on consent calendar shall be considered unless such amendment is filed with the Clerk and printed in the journal or printed separately during the preceding legislative day.

Rule 6, Section 3(b):

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3. No amendment to a bill on consent calendar shall be considered unless such amendment is filed with the Clerk and printed in the journal or printed separately during the preceding legislative day.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 209. Placed on General File as amended.
(Standing Committee amendment, AM1422, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 317. Indefinitely postponed.
LEGISLATIVE BILL 358. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 646. The Kristensen pending amendment, AM1474, found in the Journal on page 1505 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?"

Mr. Wickersham moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

The Kristensen amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Kristensen withdrew his amendments, AM1276 and AM1373, found in the Journal on pages 1386 and 1442.

Messrs. Lindsay and Hall withdrew their amendment, AM1081, found in the Journal on page 1284.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1360

(Amendments to Standing Committee amendments, AM0903)

1. On page 1, line 7, before the period insert "except as provided in this section. A county that has opted out shall receive its share of appropriated state funds, based on the ratio of county population to state population according to the most recent federal decennial census, if the county's indigent defense system meets the standards and guidelines set by the commission for its particular type of indigent defense system".

Ms. Day and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Bromm and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1360, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1360.

Mr. Beutler offered the following substitute amendment to the Standing Committee amendment:
FA129

Strike Amendment 1 of the Standing Committee Amendment AM0903.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA130

(Amendments to Standing Committee amendments, AM0903)

1. Reinstate 1 except strike the following language on lines 5 & 6 "shall not be assessed under section 3 of this act and"

2. On page 1, line 7, before the period insert "except as provided in this section. A county that has opted out shall receive its share of appropriated state funds, based on the ratio of county population to state population according to the most recent federal decennial census, if the county's indigent defense system meets the standards and guidelines set by the commission for its particular type of indigent defense system".

Mmes. Pirsch, Witek, and Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM1516

1. Insert the following new sections:

"Sec. 18. Section 9-347, Revised Statutes Supplement, 1994, is amended to read:

9-347. (1) The gross proceeds of any lottery by the sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, payment of the unit cost, any commission paid to a pickle card operator, allowable expenses, and allocations for bingo expenses as provided by subsection (5) of this section.

(2) Not less than sixty-five percent or more than eighty percent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes.

(3) Not more than ~~six~~ eight percent of the definite profit of a pickle card unit shall be used by the licensed organization to pay the allowable expenses of operating a lottery by the sale of pickle cards, except that license fees paid to the department to license the organization, each utilization-of-funds member, and any sales agent and pickle card dispensing device registration fees shall not be included in determining the ~~six-percent~~ eight-percent limitation on expenses and no portion of such ~~six~~ eight percent shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion conducted pursuant to the Nebraska Bingo Act, and of such ~~six~~ eight percent not more than four percent of the definite profit may be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing of a pickle card unit. When determining the ~~six~~ eight percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite

profit from the sale of pickle cards at the organization's bingo occasions shall not be included.

(4) Not more than thirty percent of the definite profit of a pickle card unit shall be used by a licensed organization to pay a pickle card operator a commission, fee, or salary for selling individual pickle cards as opportunities for participation in a lottery by the sale of pickle cards on behalf of the licensed organization.

(5) An organization licensed to conduct bingo pursuant to the Nebraska Bingo Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation. The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the twelve-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No expenses associated with the conduct of bingo may be paid directly from the pickle card checking account. A licensed organization which needs to allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions to pay bingo expenses as provided by this section shall transfer funds from the pickle card checking account to the bingo checking account by a check drawn on the pickle card checking account or by electronic funds transfer.

Sec. 19. Section 9-347.01, Reissue Revised Statutes of Nebraska, is amended to read:

9-347.01. (1) For each type of pickle card unit marketed in this state, the department shall determine the following: (a) When a licensed organization sells pickle cards through pickle card operators, the portion of the definite profit from that pickle card unit which shall go to the licensed organization, such amount to be not less than seventy percent of the definite profit from such pickle card unit; (b) the maximum amount of the definite profit from the sale of a pickle card unit that a licensed organization may pay a pickle card operator as a commission, fee, or salary to sell its pickle cards, such amount not to exceed thirty percent of the definite profit from such pickle card unit; (c) the portion of the definite profit from the sale of a pickle card unit which may be expended by a licensed organization for allowable expenses, such amount not to exceed ~~six~~ eight percent of the definite profit from such pickle card unit; and (d) the portion of the definite profit from the sale of a pickle card unit which may be utilized by a licensed organization for payment of a sales agent selling pickle cards on behalf of the licensed organization, such amount to be a portion of the allowable expenses and not to exceed four percent of the definite profit from such pickle card unit.

(2) The licensed organization's net profit from the sale of a pickle card unit shall be used exclusively for a lawful purpose. A licensed organization shall not donate or promise to donate its net profit or any portion of the net profit to a recipient outside of its organization as an inducement for or in exchange for (a) a payment, gift, or other thing of value from the recipient to any person, organization, or corporation, including, but not limited to, the licensed organization or any of its members, employees, or agents, or (b) a pickle card operator's agreement to sell pickle cards on behalf of the licensed organization.".

2. On page 20, line 21, strike "six percent", show as stricken, and insert "eight percent".

3. On page 83, line 22, after "9-345.03," insert "9-347.01,"; and in line 25 after "9-329.02," insert "9-347,".

Mrs. Stuhr asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1518

(Amendments to E & R amendments, AM7054)

1. Strike sections 22 and 23 and insert the following sections:

"Sec. 22. (1) The Department of Social Services shall establish a putative father registry which shall record the names and addresses of (a) any person adjudicated by a court of this state to be the father of a child born out of wedlock, (b) any person who has filed with the registry a notice of intent to claim paternity and obtain custody of such child, and (c) any person adjudicated by a court of another state or territory of the United States to be the father of such child, if a certified copy of the court order has been filed with the registry by that person or any other person.

(2) A notice of intent to claim paternity and obtain custody filed with the registry shall include the claimant's name and address, the name and address of the mother, and the month and year of the birth or the expected birth of the child. The person filing the notice shall notify the registry of any change of

address pursuant to procedures prescribed by regulations of the department.

(3) Any person filing a notice of intent to claim paternity and obtain custody with the putative father registry may revoke such notice, and upon receipt of such revocation by the registry, the effect shall be as if no filing had ever been made.

(4) Notice shall be considered to have been filed when received by the registry or when postmarked, whichever is later.

(5) The department shall not divulge the names and addresses of persons listed with the registry to any other person except as authorized by law or upon order of a court for good cause shown.

(6) The department shall advertise information about the registry at least quarterly in a legal newspaper of general circulation in the state. The department may charge reasonable fees with respect to the registry in order to defray the costs of such advertising.

Sec. 23. Section 43-104.02, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.02. ~~(1)~~ Relinquishment or consent for the purpose of adoption given only by a mother of a child born out of wedlock pursuant to section 43-104 shall be sufficient to place the child for adoption, and the rights of any alleged father shall not be recognized thereafter in any court unless the person claiming to be the father of the child has filed a notice of intent to claim paternity and obtain custody with the putative father registry maintained by the Department of Social Services on forms provided by the department, within five business days after the birth of ~~such~~ the child, or within five business days after receipt of the notice pursuant to sections 5 and 6 of this act, whichever is later. Lack of knowledge of the pregnancy shall not be an acceptable reason for failure to file a notice of intent to claim paternity.

~~(2) The notice shall contain the claimant's name and address, the name and last-known address of the mother, and the month and year of the birth or the expected birth of the child.~~

Sec. 24. Section 43-104.03, Revised Statutes Supplement, 1994, is amended to read:

43-104.03. Within three days after the filing of a notice to claim paternity and obtain custody with the putative father registry pursuant to section 43-104.02, the Director of Social Services shall cause a certified copy of such notice to be mailed by certified mail to (1) the mother or prospective mother of such child at the last-known address shown on the notice of intent to claim paternity or (2) an agent specifically designated in writing by the mother or prospective mother to receive such notice. The notice shall be admissible in any action for paternity under sections 43-1401 to 43-1418, shall estop the claimant from denying paternity of such child thereafter, and shall contain language that the claimant acknowledges liability for contribution to the support and education of the child after birth and for contribution to the pregnancy-related medical expenses of the mother.

Sec. 25. Section 43-104.04, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.04. If a notice of paternity and to obtain custody is not timely filed ~~within five days~~ with the putative father registry pursuant to section 43-104.02, the mother of a child born out of wedlock or an agent specifically designated in writing by the mother may request, and the Department of Social Services shall supply, a certificate that no notice of intent to claim paternity or to obtain custody has been filed with the ~~department~~ putative father registry and the filing of such certificate pursuant to section 43-102 shall eliminate the need or necessity of a consent or relinquishment for adoption by the natural father of such child.

Sec. 26. Section 43-104.05, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.05. If a notice of intent to claim paternity and obtain custody is timely ~~is~~ filed ~~within five days after the birth of such child~~ with the putative father registry pursuant to section 43-104.02, either the claimant-father, the mother, or her agent specifically designated in writing ~~may~~ shall file a petition in the county court in the county where such child is a resident for an adjudication of the claim of paternity and right to custody within thirty days after such notice is filed. If the petition is not filed within thirty days, the claimant-father's consent to adoption of the child shall not be required and any alleged parental rights of the claimant-father shall not be recognized thereafter in any court. After the filing of such petition, the court shall set a hearing date upon proper notice to the parties not less than ten nor more than twenty days after such filing. If the mother contests the claim of paternity, the court shall take such testimony as shall enable it to determine the facts.".

2. On page 20, line 19, strike the first comma and insert "to"; in line 22 strike "sections are" and insert "section is"; and in line 23 strike "Sections 43-104.04 and" and insert "Section".

3. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 509 in the Journal. No objections. So ordered.

AM1468

1. On page 6, strike beginning with line 20 through the second period in line 22 and insert "Working papers and other audit files maintained by the Auditor of Public Accounts are not public records and are exempt from sections 84-712 to 84-712.05 to the extent the contents of the papers and files may be withheld from

the public under section 84-712.05 or any other statute that expressly provides that particular information or records shall not be made public"; in line 22 after "The" insert "nonpublic"; and in line 27 before "working" insert "nonpublic".

Mr. Bromm asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1446

(Amendments to E & R amendments, AM7054)

1. Strike section 16.

2. Renumber section 15 as section 16 and section 17 as section 15.

3. On page 10, line 20, strike "the" and insert "any".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1503

(Amendments to E & R amendments, AM7054)

1. On page 7, strike beginning with "or" in line 21 through "herself" in line 22.

MOTION - Introduce New Resolution

Mr. Warner moved for the introduction of a new resolution proposing a constitutional amendment by the Revenue Committee, Req. CA0059, pursuant to Rule 5, Section 4(c)(2).

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 90. Introduced by Bernard-Stevens, 42.

WHEREAS, a trend has started in which states are competing with each other by offering economic incentives to lure companies to their region; and

WHEREAS, businesses are creating adversarial roles between states in an effort to retrieve the most beneficial economic incentive package; and

WHEREAS, the economic incentives offered by states are creating a corporate aid system and undermining tax bases; and

WHEREAS, each state has unique characteristics, such as location, infrastructure, educational institutions, work ethic, and natural resources, and should not be compelled to offer economic incentives to compete for business recruitment or expansion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the problems created in the competition between states in offering economic incentives and asks other states to recognize this negative adversarial role.

2. That the State of Nebraska encourages all states, the National Conference of State Legislatures, the Council of State Governments, and the National Governor's Association to call for a moratorium of such economic competition.

3. That a copy of this resolution shall be sent to the United States Secretary of Labor, the Governor of each state, and the president of each above-named organization.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 90 was referred to the Reference Committee.

VISITORS

Visitors to the Chamber were 25 students and sponsor from the University of Nebraska-Lincoln; Cub Scouts from Den 8, Pack 56, Lincoln; five fourth and sixth grade students and teacher from Hanover District 75, Glenvil; and 30 fourth grade students and teacher from Homer.

ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Robinson, the Legislature adjourned until 9:00 a.m., Friday, April 7, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 7, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 7, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Faith Lutheran Church, Hebron, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer, Wesely, and Mrs. Hillman who were excused; and Mrs. Bohlke, Messrs. Brashear, Chambers, Hall, Kristensen, Landis, Lindsay, Matzke, Wehrbein, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution was correctly engrossed: LR 6CA.

LEGISLATIVE BILL 574. Placed on Select File as amended.
E & R amendment to LB 574:
AM7102

1. On page 2, line 4, after the semicolon insert "to provide operative dates;".

2. On page 3, lines 16 and 22, strike the new matter.

3. On page 7, line 11, after "examination" insert an

underscored comma.

4. On page 36, line 8, strike the comma and show as stricken.

5. On page 64, line 27; and page 146, line 5, after "Code" insert an underscored comma.

6. On page 154, line 5, strike "sections 76-2,111 to 76-2,118", show as stricken, and insert "the Conservation and Preservation Easements Act".

7. On page 160, line 24, strike the underscored comma and insert an underscored period; and strike line 25 and show as stricken.

8. On page 162, line 21, strike "where", show as stricken, and insert "when".

9. On page 171, line 13, after "or" insert ", on or after January 1, 1997,".

10. On page 205, strike beginning with "Internal" in line 20 through the comma in line 21, show as stricken, and insert "code".

LEGISLATIVE BILL 189A. Placed on Select File.
LEGISLATIVE BILL 337A. Placed on Select File.
LEGISLATIVE BILL 68A. Placed on Select File.
LEGISLATIVE BILL 178A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 6, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Conway, Gerald A. - Wayne	ATOKAD Agriculture & Racing Association
Smith, Jeffry H. - Arapahoe	Hunt Nebraska

COMMUNICATION

Received a copy of Senate Concurrent Resolution No. 2 from the State of Arkansas declaring sovereignty under the 10th Amendment to the Constitution of the United States and petitioning Congress to cease and desist mandates that are beyond the scope of its constitutionally delegated powers.

REPORTS

The following reports were received by the Legislature:

County Highway and City Street Superintendents, Board of Examiners
Annual Report (§§ 39-2301 to 39-2311)

Energy Office, Nebraska
Annual Report (§ 81-1607, Neb. Rev. Stat. (1988 Supp.))

Investment Finance Authority, Nebraska (NIFA)
Quarterly Report - Series 1994 State Revolving Fund Revenue Bonds (Neb. Rev. Stat. § 58-270(4))

Labor, Department of
State, Omaha, and Lincoln Labor Area Summaries, Nonmetropolitan Area LMA's, and Nebraska monthly report on labor force and unemployment for February

State Patrol, Nebraska
Drug Control Cash Fund Report for 1994

RESOLUTION

LEGISLATIVE RESOLUTION 89. Read. Considered.

LR 89 was adopted with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 240. The Hudkins specific amendment, AM1006, found in the Journal on page 1142 and considered on page 1145, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 19A to Select File

Mr. Chambers moved to return LB 19A to Select File for his specific amendment, AM1314, found in the Journal on page 1391.

The Chambers motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 19A. The Chambers specific amendment, AM1314, found in the Journal on page 1391, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 65 to Select File

Mr. Withem moved to return LB 65 to Select File for his specific amendment, AM1185, found in the Journal on page 1285.

Messrs. Dierks, Jones, Wehrbein, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem motion to return prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 65. The Withem specific amendment, AM1185, found in the Journal on page 1285, was considered.

Mrs. Witek requested a record vote on the Withem amendment.

Voting in the affirmative, 34:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hudkins
Janssen
Jones
Kristensen
Landis
Matzke
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Withem

Voting in the negative, 2:

Pirsch
Witek

Present and not voting, 7:

Avery
Hall
Hartnett
Jensen
Lynch
Maurstad
Wickersham

Excused and not voting, 6:

Elmer
Hillman
Lindsay
McKenzie
Wesely
Will

The Withem amendment was adopted with 34 ayes, 2 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LR 3CA to Select File

Mr. Kristensen moved to return LR 3CA to Select File for his specific amendment, AM0682, found in the Journal on page 961.

The Kristensen motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 3CA. The Kristensen specific amendment, AM0682, found in the Journal on page 961, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 300 to Select File

Mr. Hall moved to return LB 300 to Select File for the following specific amendment:
FA131
On page 2, line 21, strike "contributions" and insert "deductions."

The Hall motion to return prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 300. The Hall specific amendment, FA131, found in this day's Journal, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 300 to Select File

Mr. Lindsay moved to return LB 300 to Select File for the Lindsay-Hall specific amendment, AM1121, found in the Journal on page 1370.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 300. The Lindsay-Hall specific amendment, AM1121, found in the Journal on page 1370, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 508.

A BILL FOR AN ACT relating to the Legislature; to require adoption of expense policies.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hudkins
Vrtiska

Excused and not voting, 5:

Elmer
Hillman
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 668. With Emergency.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2034, Revised Statutes Supplement, 1994; to change provisions relating to financial assurance for certain landfill activities; to provide severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Day
Dierks
Engel
Fisher
Hall
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Cudaback
Hudkins
Schellpeper
Schrock

Excused and not voting, 5:

Elmer
Hillman
Robak
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 175.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1441 and 76-1446, Reissue Revised Statutes of Nebraska, and section 69-2303, Revised Statutes Supplement, 1994; to change provisions relating to writs of restitution and notice requirements for personal property disposal; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Pirsch

Excused and not voting, 5:

Elmer
Hillman
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to county officers; to amend section 11-119, Reissue Revised Statutes of Nebraska; to provide for a blanket surety bond for county officers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen

Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Brown
Maurstad
Wehrbein

Excused and not voting, 5:

Elmer
Hillman
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lindsay asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994; to prohibit interference with a person engaged in hunting, trapping, or fishing as prescribed; to provide an affirmative defense; to prohibit setting traps as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 2:

Chambers Landis

Present and not voting, 1:

Schimek

Excused and not voting, 6:

Elmer Lindsay Robak Wesely Will
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 461 to Select File

Mr. Hall offered the Will motion to return LB 461 to Select File for the Will specific amendment, AM1363, found in the Journal on page 1422.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Will motion to return lost with 4 ayes, 29 nays, 9 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 461. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1994; to adopt updated federal Motor Carrier Safety Regulations and updated federal Hazardous Material Regulations as Nebraska law; to change a reference to the federal Motor Carrier Safety Regulations; to change provisions relating to hours of service of drivers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Brown
Jones
Lynch
Preister
Robinson

Excused and not voting, 7:

Chambers
Elmer
Hillman
Lindsay
Robak
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 112.

A BILL FOR AN ACT relating to state highways; to amend section 39-207, Reissue Revised Statutes of Nebraska; to change provisions relating to rural highway signs; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner

Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Dierks
Jones
Matzke
Preister

Excused and not voting, 7:

Chambers
Elmer
Hillman
Lindsay
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to counties; to amend section 23-1611, Reissue Revised Statutes of Nebraska; to allow counties to use an alternate accounting system as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Jones

Excused and not voting, 7:

Chambers
Elmer
Hillman
Lindsay
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Ms. Schimek and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 581 to Select File

Mr. Janssen moved to return LB 581 to Select File for his specific amendment, AM1430, found in the Journal on page 1505.

The Janssen motion to return prevailed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 581. The Janssen specific amendment, AM1430, found in the Journal on page 1505, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 712. E & R amendment, AM7054, printed separately from the Journal and referred to on page 1071, was adopted.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM1216, found in the Journal on page 1368, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM1216, found in the Journal on page 1368.

Mr. Kristensen offered the following substitute amendment:
AM1288

(Amendments to E & R amendments, AM7054)

1. On page 14, line 19, before the first comma insert "or by virtue of section 43-1203".

Messrs. Abboud, Jones, Hartnett, Lynch, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall offered the following amendment to the Kristensen pending amendment:
AM1532

(Amendments to E & R amendments, AM7054)

1. Strike sections 1 to 29 and insert the following sections:

"Section 1. In all cases of adoption of a minor child born out of wedlock, the biological mother shall complete and sign an affidavit stating (1) the identity and last-known address of the child's biological father, if known, (2) that she does not know the biological father's identity and the reasons that she is unable to identify him, or (3) that she is unwilling to identify the biological father and the reasons that she is unwilling to identify him. Such information shall be provided with respect to any and all of the child's possible biological fathers. The affidavit shall be attached an an exhibit to any petition to finalize the adoption. The form of the affidavit shall be substantially as follows:

AFFIDAVIT OF IDENTIFICATION

I, ..., the biological mother of the child at issue herein, first duly sworn upon oath, state as follows:

(1) My child was born on, or is expected to be born on, or about the day of ...., ..., at ...., in the County of ...., in the State of ....

(2) I reside at ...., in the City or Village or ...., the County of ...., the State of ....

(3) I am of the age of .... years, and my date of birth is ....

(4) I acknowledge that I have been asked to identify the father of my child.

(5) (CHOOSE ONE)

(a) The name of the biological father is ...., his last known home address is ...., his last known work address is ...., and he is .... years of age, or he is deceased, having died on the ...... day of ...., ..., at ...., in the State of ....

(b) I am unable to identify the biological father, for the following reasons:

....
....
....
....

The following are any and all facts known to me that would reasonably assist in identifying and locating my child's biological father or possible biological fathers:

....
....
....
....

(c) I am unwilling to identify the biological father or possible biological fathers of the child for the following reasons: (i) The conception of my child occurred as a result of sexual assault or incest; (ii) providing notice to the biological father of my child would pose a threat to my safety or the safety of my child; or (iii) for other reasons, as follows:

....

....

....

(6) I have read this affidavit and have had the opportunity to review and question it. It was explained to me by .... I am signing this affidavit as my free and voluntary act and understand the contents and the results of signing it.

(7) Under penalty of perjury, the undersigned certifies that the statements set forth in this affidavit are true and correct.

Dated this .... day of ...., ...

....

Signature

Sec. 2. The agency or attorney representing the biological mother shall inform the mother of the legal and medical need to determine, whenever possible, the paternity of the child prior to an adoption and that her failure or refusal to accurately identify the biological father or possible biological fathers could threaten the legal validity of any adoptive placement of the child.

Sec. 3. In all cases of a child born out of wedlock and prior to placement of the child in an adoptive home, notice shall be given pursuant to section 4 of this act to the following persons by certified mail with return receipt requested and with restricted delivery to the addressee: (1) Any person adjudicated by a court in this state to be the biological father of the child; (2) any person adjudicated by a court in another state or territory of the United States to be the biological father of the child; (3) any person who has timely filed a notice of intent to claim paternity and obtain custody with the putative father registry to section 43-104.02 within thirty days preceding the notice required by this section; (4) any person who is recorded on the child's birth certificate as the child's father; (5) any person who was openly living with the child's biological mother within the twelve months prior to the birth of the child; (6) any person who has been identified as the child's father by the child's biological mother under section 1 of this act; (7) any person who was married to the child's biological mother within six months prior to the birth of the child and prior to the execution of the relinquishment; and (8) any other person who the agency or attorney representing the biological mother has reason to believe may be the biological father of the child.

Sec. 4. The notice required under section 3 of this act may be served on a possible biological father of the child at any time after conception. The notice shall state: (1) The biological mother's name, the fact that she is pregnant or has given birth to the child, and the expected or actual date of delivery; (2) that the child's biological mother has placed or intends to place the child for adoption; (3) that the person being notified has been identified as a possible biological father of the child; (4) that the possible biological father may have certain rights with respect to such child if he is in fact the biological father; (5) that the possible biological father has the right to (a) deny paternity, (b) waive any parental rights he may have, (c) relinquish and consent to adoption of the child, or (d) file a notice of intent to claim paternity and obtain custody with the putative father registry pursuant to section 43-104.02 if he has not already done so; (6) that if the possible biological father does not file with the putative father registry within five business days after receiving this notice or within five business days after the birth of the child, whichever is later, then whatever legal rights he may have with respect to the child, including the right to notice of any future proceedings for the adoption of the child, shall be terminated without any further notice to him and he will be barred from challenging the adoption at some later date; (7) that to deny paternity, to waive his parental rights, or to relinquish and consent to the adoption, the biological father must contact the undersigned agency or attorney representing the biological mother, and that if he wishes to seek custody of the child he should seek legal counsel from his own attorney immediately; and (8) that if he is the biological father and if the child is not relinquished for adoption, he has the duty to contribute to the support and education of the child and to the pregnancy-related expenses of the mother and a right to seek visitation.

The agency or attorney representing the biological mother may enclose with the notice a document which is an admission or denial of paternity and a waiver of rights by the biological father in the form mandated by section 4-106, which the biological father may choose to complete and return to the agency or attorney.

Sec. 5. The notification procedure set forth in sections 3 and 4 of this act shall, whenever possible, be completed prior to a child being placed in an adoptive home. If the information provided in the affidavit prepared pursuant to section 1 of this act presents clear evidence that providing notice to a biological father or possible biological father as contemplated in sections 3 and 4 of this act would be likely to threaten the safety of the biological mother or the child or that conception was the result of sexual assault or incest, notice is not required to be given. If the biological father or possible biological fathers are not given actual or constructive notice prior to the time of placement, the agency or attorney shall give the adoptive parents a statement of legal risk indicating the legal status of the biological father's parental rights as of the time of placement, and the adoptive parents shall sign a statement of legal risk acknowledging their acceptance of the placement, notwithstanding the legal risk.

Sec. 6. (1) In all cases involving the adoption of a child born out of wedlock, the petition to finalize the adoption shall specifically allege compliance with sections 1 to 5 of this act and shall attach as exhibits all documents which are evidence of such compliance.

(2) No notice of the filing of the petition to finalize or the hearing on the petition shall be given to a biological father or possible biological father who was provided notice under sections 3 and 4 of this act and failed to timely file a notice of intent to claim paternity and obtain custody with the putative father registry pursuant to section 43-104.02 or who signed a valid relinquishment and consent to adoption.

Sec. 7. Section 43-102, Reissue Revised Statutes of Nebraska, is amended to read:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption signed and sworn to by the person or persons desiring to adopt, the consent or consents required by section 43-104 or 43-104.07, the certificates and other documents required by sections 43-104.02 to 43-104.06, ~~or~~ the documents required by section 43-104.07, or the documents required by sections 1 to 6 of this act, and a completed preplacement adoptive home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(ii), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after an adoptive home study has been completed by the department or a licensed child placement agency.

Sec. 8. (1) The Department of Social Services shall establish a putative father registry which shall record the names and addresses of (a) any person adjudicated by a court of this state to be the father of a child born out of wedlock, (b) any person who has filed with the registry a notice of intent to claim paternity and obtain custody of such child, and (c) any person adjudicated by a court of another state or territory of the United States to be the father of such child, if a certified copy of the court order has been filed with the registry by that person or any other person.

(2) A notice of intent to claim paternity and obtain custody filed with the registry shall include the claimant's name and address, the name and address of the mother, and the month and year of the birth or the expected birth of the child. The person filing the notice shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

(3) Any person filing a notice of intent to claim paternity and obtain custody with the putative father registry may revoke such notice, and upon receipt of such revocation by the registry, the effect shall be as if no filing had ever been made.

(4) Notice shall be considered to have been filed when received by the registry or when postmarked, whichever is later.

(5) The department shall not divulge the names and

addresses of persons listed with the registry except as authorized by law or upon order of a court for good cause shown.

(6) The department shall advertise information about the registry at least quarterly in a legal newspaper of general circulation in each county of the state. The department may charge reasonable fees with respect to the registry in order to defray the costs of such advertising.

Sec. 9. Section 43-104.02, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.02. ~~(1)~~ Relinquishment or consent for the purpose of adoption given only by a mother of a child born out of wedlock pursuant to section 43-104 shall be sufficient to place the child for adoption, and the rights of any alleged father shall not be recognized thereafter in any court unless the person claiming to be the father of the child has filed a notice of intent to claim paternity and obtain custody with the putative father registry maintained by the Department of Social Services on forms provided by the department~~,~~ within five business days after the birth of ~~such~~ the child ~~;~~ or within five business days after receipt of the notice pursuant to section 4 of this act, whichever is later. Lack of knowledge of the pregnancy shall not be an acceptable reason for failure to file a notice of intent to claim paternity and obtain custody.

~~(2) The notice shall contain the claimant's name and address, the name and last known address of the mother, and the month and year of the birth or the expected birth of the child.~~

Sec. 10. Section 43-104.03, Revised Statutes Supplement, 1994, is amended to read:

43-104.03. Within three days after the filing of a notice of intent to claim paternity and obtain custody with the putative father registry pursuant to section 43-104.02, the Director of Social Services shall cause a certified copy of such notice to be mailed by certified mail to (1) the mother or prospective mother of such child at the last-known address shown on the notice of intent to claim paternity or (2) an agent specifically designated in writing by the mother or prospective mother to receive such notice. The notice shall be admissible in any action for paternity under sections 43-1401 to 43-1418, shall estop the claimant from denying paternity of such child thereafter, and shall contain language that the claimant acknowledges liability for contribution to the support and education of the child after birth and for contribution to the pregnancy-related medical expenses of the mother.

Sec. 11. Section 43-104.04, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.04. If a notice of intent to claim paternity and obtain custody is not timely filed ~~within five days~~ with the putative father registry pursuant to section 43-104.02, the mother of a child born out of wedlock or an agent specifically designated in writing by the mother may request, and the Department of Social Services shall supply, a certificate that no notice of intent to claim paternity and obtain custody has been filed with the ~~department~~ putative father registry and the filing of such certificate pursuant to section 43-102 shall eliminate the need or necessity of a consent or relinquishment for adoption by the natural father of such child.

Sec. 12. Section 43-104.05, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.05. If a notice of intent to claim paternity and obtain custody is timely ~~is~~ filed ~~within five days after the birth of such child~~ with the putative father registry pursuant to section 43-104.02, either the claimant-father, the mother, or her agent specifically designated in writing ~~may~~ shall file a petition in the county court in the county where such child is a resident for an adjudication of the claim of paternity and right to custody within thirty days after such notice is filed. If the petition is not filed within thirty days, the claimant-father's consent to adoption of the child shall not be required and any alleged parental rights of the claimant-father shall not be recognized thereafter in any court. After the filing of such petition, the court shall set a hearing date upon proper notice to the parties not less than ten nor more than twenty days after such filing. If the mother contests the claim of paternity, the court shall take such testimony as shall enable it to determine the facts.

Sec. 13. Original sections 43-102, 43-104.02, 43-104.04, and 43-104.05, Reissue Revised Statutes of Nebraska, and section 43-104.03, Revised Statutes Supplement, 1994, are repealed.".

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 508, 668, 175, 179, 274, 461, 112, and 154.

SELECT FILE

LEGISLATIVE BILL 712. The Hall pending amendment, AM1532, found in this day's Journal, to the Kristensen pending amendment, was renewed.

Mr. Matzke requested a ruling of the Chair on whether the Hall amendment is germane to the Kristensen pending amendment.

The Chair ruled the Hall amendment is not germane to the Kristensen pending amendment.

Mr. Hall challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hall withdrew his motion to overrule the Chair.

Mr. Kristensen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Kristensen amendment, AM1288, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm asked unanimous consent to add his name to the Matzke amendment, AM1371, found in the Journal on page 1450, to LB 712. No objections. So ordered.

Messrs. Matzke and Bromm renewed their pending amendment, AM1371, found in the Journal on page 1450.

Messrs. Kristensen and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Vrtiska, Schmitt, Cudaback, and Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Matzke-Bromm amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Mrs. Stuhr renewed her pending amendment, AM1518, found in the Journal on page 1532.

Mr. Matzke offered the following amendment to the Stuhr pending amendment:
AM1529

(Amendments to AM1518)

1. On page 2, line 22, strike the comma and show as stricken; in line 23 strike "or"; and in line 24 after the comma insert or within five business days after the last date of any published notice provided pursuant to section 7 of this act,".

Mr. Matzke moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Matzke amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Matzke offered the following amendment to the Stuhr pending amendment:
AM1530

(Amendments to AM1518)

1. On page 2, strike beginning with "Notice" in line 1 through "(5)" in line 3; in line 7 strike "(6)" and insert "(5)"; in lines 22 and 23 strike the commas and show as stricken; and in line 27 after "paternity" insert "and obtain custody. A notice of intent to claim paternity and obtain custody of the child shall be considered to have been filed if it is received by the Department of Social Services or postmarked prior to the end of the fifth business day contemplated in this section".

The Matzke amendment was adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 434. E & R amendment, AM7092, printed separately from the Journal and referred to on page 1510, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 542. E & R amendment, AM7091, found in the Journal on page 1510, was adopted.

Mrs. Bohlke moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1526 to LB 542.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Bohlke requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 32:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Day
Dierks
Engel
Fisher
Hall
Hartnett
Janssen
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Avery
Withem

Excused and not voting, 15:

Abboud
Chambers
Coordsen
Cudaback
Elmer
Hillman
Hudkins
Kristensen
Lindsay
Pedersen
Schellpeper
Schmitt
Vrtiska
Wesely
Will

The Bohlke motion to suspend the rules prevailed with 32 ayes, 0 nays, 2 present and not voting, and 15 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM1526

(Amendments to E & R amendments, AM7091)

1. Insert the following new sections:

"Section 1. Section 79-4,196, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,196. (1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-4,195 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsection (3) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first

semester of the following school year subject to the provisions of subsection (4) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-4,180 or (b) the knowing and intentional possession, use, or transmission of a ~~firearm or other~~ dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921, shall be for a period as provided by the school district policy adopted pursuant to section 2 of this act.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

Sec. 2. (1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year and a referral to the criminal justice system or juvenile delinquency system of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a weapon at school. For purposes of this section, weapon means a firearm as defined in 18 U.S.C. 921. The policy may authorize the superintendent or school board to modify the expulsion requirement on an individual basis.

(2) Each school district shall provide annually to the State Department of Education:

(a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and

(b) A description of the circumstances surrounding any expulsions imposed under the policy required by subsection (1) of this section, including:

(i) The name of the school concerned;

(ii) The number of students expelled from the school; and

(iii) The types of weapons concerned.".

2. On page 3, line 19, strike "section" and insert "sections 79-4,196 and"; and in line 20 strike "is" and insert "are".
3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler offered the following amendment to the Bohlke pending amendment:
FA132

Amend the Bohlke amendment, AM1526, on pg. 3, line 7 insert the word "calendar" before the word "year"

The Chair declared the call raised.

Pending.

LEGISLATIVE BILL 874. E & R amendment, AM7082, found in the Journal on page 1512, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 524. E & R amendment, AM7083, found in the Journal on page 1518, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 524A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 326. E & R amendment, AM7084, found in the Journal on page 1519, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 326A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 541. E & R amendment, AM7088, found in the Journal on page 1519, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 599. E & R amendment, AM7099, found in the Journal on page 1522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 456. E & R amendment, AM7095, found in the Journal on page 1522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 626. E & R amendment, AM7085, found in the Journal on page 1523, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 194. Mr. Maurstad offered the following amendment:
AM1517

1. Insert the following new sections:

"Sec. 3. Section 17-202, Revised Statutes Supplement, 1994, is amended to read:

17-202. The corporate powers and duties of every village shall be vested in the board of trustees which shall consist of five members. At the first statewide ~~primary~~ general election held after the incorporation of a village, two trustees shall be elected to serve two years and three trustees shall be elected to serve four years. Thereafter the board members shall be elected as provided in the Election Act. The terms shall begin on the ~~first Tuesday in June following the election~~ first regular meeting of the board in December following the statewide general election. The terms of board members holding office on the effective date of this act shall be extended to the first regular meeting of the board in December following the statewide general election. The changes made to this section by Laws 1994, LB 76, and this legislative bill shall not change the staggering of the terms of the board members in villages established prior to January 1, 1995.

Sec. 4. Section 17-204, Reissue Revised Statutes of Nebraska, is amended to read:

17-204. Every trustee, before entering upon the duties of his or her office, shall take an oath to support the Constitution of the United States~~,~~ and the Constitution of Nebraska~~,~~ and to faithfully and impartially to discharge the duties of his or her office. Every board of trustees appointed by the county board shall meet within twenty days, organize, and appoint the officers required by law. All trustees elected to office shall qualify and meet on the first ~~Tuesday in June~~ regular meeting of the board in December and thereafter~~,~~ organize, elect a ~~chairman~~ chairperson of the board, and appoint the officers required by law. The board of trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the ~~chairman~~ chairperson.

Sec. 7. Section 32-532, Revised Statutes Supplement,

1994, is amended to read:

32-532. The members of a village board of trustees shall be elected at the statewide ~~primary~~ general election as provided in section 17-202 and each four years thereafter. Except as provided in such section, the term of each board member shall be four years or until his or her successor is elected and qualified. The board members shall meet the qualifications found in section 17-203.

Sec. 8. Section 32-811, Revised Statutes Supplement, 1994, is amended to read:

32-811. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of the boards of educational service units, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class~~,~~ and cities having a city manager plan of government~~, and villages~~ do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) Candidates shall not appear on the ballot in the primary election for the board of directors in ~~In~~ public power districts receiving annual gross revenue of less than forty million dollars~~, the candidates for the board of directors shall not appear on the ballot in the primary election~~ and for the board of trustees for villages.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 9. For purposes of any limitation on anticipated aggregate receipts from property taxes, the Auditor of Public Accounts shall develop a formula to determine the equivalent of property tax receipts for the prior fiscal year to accommodate fiscal year 1995-96 for cities of the first and second classes and villages. The formula shall provide for the interpolation of the amount of property tax receipts from the prior fiscal year over the fourteen-month fiscal year.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 5, line 1, after "16-701" insert ",17-204,"; and in line 2 strike the second "and" and insert ",17-202," and after the second comma insert "32-532, and 32-811,".

3. Renumber the remaining sections accordingly.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 756. Advanced to E & R for engrossment.
LEGISLATIVE BILL 187. Advanced to E & R for engrossment.
LEGISLATIVE BILL 601. Advanced to E & R for engrossment.
LEGISLATIVE BILL 372. Advanced to E & R for engrossment.

Messrs. Jones and Fisher asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 381. E & R amendment, AM7093, found in the Journal on page 1523, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 381A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 449. E & R amendment, AM7097, found in the Journal on page 1523, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 449A. Advanced to E & R for engrossment.

MESSAGES FROM THE GOVERNOR

March 31, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Railway Council.

> APPOINTEE: David L. Gilfillan, 2410 Lincoln Street, Beatrice, NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

March 31, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska State Boiler Safety Advisory Board.

APPOINTEES:
Thomas J. Hix, 1717 South 155th Avenue, Omaha, NE 68112
Glen E. Tubbs, 945 Hartley Street, Lincoln, NE 68521
John J. Campbell, 5423 Bay Meadows Road, Omaha, NE 68127
Jerome Thompson, 3807 Avenue M, Kearney, NE 68847

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1995, at 1:10 p.m., were the following bills: 508, 668, 175, 179, 274, 461, 112, and 154.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

EXPLANATION OF VOTE

Had I been present, I would have voted aye on final passage of LB 461.

(Signed) Jennie Robak

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1539

(Amendments to Standing Committee amendments, AM1397)

1. Insert the following new sections:

"Sec. 3. Section 68-104, Reissue Revised Statutes of Nebraska, is amended to read:

68-104. The Department of Social Services shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that, subject to the limitations of section 68-1022, the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs and general assistance for the poor of the county. Any person who is or becomes ineligible for other medical programs or general assistance due to his or her own actions or inactions or due to the termination of a benefits period shall also be ineligible for medical services from the county. The county board of each county shall administer such medical assistance provided pursuant to this section. A county board may enter into an agreement with the Department of Social Services which allows the department to aid in the administration of such medical assistance program. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including tax-supported hospitals and charitable clinics so far as the same may be available, and shall use the financial eligibility criteria established for the standard of need developed by the county pursuant to section 68-126.

Sec. 4. Section 68-131, Reissue Revised Statutes of Nebraska, is amended to read:

68-131. When any poor person shall not have a spouse, parent, or stepparent supporting him or her or is not eligible for other general assistance programs, then the poor person shall receive such relief, referred to as general assistance for purposes of sections 68-131 to 68-148, out of the treasury of the county in which he or she has legal settlement at the time of applying for assistance, in the manner provided in sections 68-131 to 68-148. Any person who is or becomes ineligible for other general assistance programs due to his or her own actions or inactions or due to the termination of a benefits period shall also be ineligible for general assistance from the county.".

2. Correct the operative date provision and repealer so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Dierks, Lindsay, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1458

1. Insert the following new section:

"Sec. 10. Section 68-1724, Revised Statutes Supplement, 1994, is amended to read:

68-1724. (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of two years for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the two-year time limit established in this section shall be extended for an additional period of not more than two years;

(b) The two-year time period for cash assistance shall begin when the self-sufficiency contract is signed or when any children born into the recipient family prior to the initial ten months of assistance reach the age of six months, whichever is later;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between the recipient family and the state which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available;

(d) After receiving cash assistance under this section for two years at a monthly payment level not exceeding that provided in section 43-512, families shall receive no further cash assistance pursuant to this section for at least two years after the assistance period ends; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is no job available for adult members of the recipient family. It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance.

(2) Cash assistance conditions under the Welfare Reform Act shall be as follows:

(a) Adults in recipient families shall mean individuals at least nineteen years of age living with and related to a child eighteen years of age or younger and shall include parents, siblings, uncles, aunts, cousins, or grandparents, whether the relationship is biological, adoptive, or step;

(b) The payment standard shall be based upon family size; ~~. Any child born into the recipient family after the initial ten months of participation in the program shall not increase the cash assistance payment, except that child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment;~~

(c) The adults in the recipient family shall ensure that the minor children regularly attend school. Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the parent or parents have failed to take reasonable action to encourage the minor children of the recipient family ages sixteen and under to regularly attend school. No reduction of assistance shall be such as may result in extreme hardship. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance;

(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

(e) For minor parents, the assistance payment shall be based on the minor parent's income. If the minor parent lives with at least one parent, the family's income shall be considered in determining eligibility and cash assistance payment levels for the minor parent. If the minor parent lives independently, support shall be pursued from the parents of the minor parent. If the absent parent of the minor's child is a minor, support from his or her parents shall be pursued. Support from parents as allowed under this subdivision shall not be pursued when the family income is less than three hundred percent of the federal poverty guidelines; and

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.".

2. On page 9, strike lines 18 and 19; in line 20 strike "(n)" and insert "(m)"; in line 22 strike "(o)" and insert "(n)"; in line 23 strike "(p)" and insert "(o)"; in line 25 strike "(q)"

and insert "(p)"; and in line 27 strike "(r)" and insert "(q)".

3. On page 10, line 1, strike "(s)" and insert "(r)"; in line 3 strike "(t)" and insert "(s)"; in line 4 strike "(u)" and insert "(t)"; in line 6 strike "(v)" and insert "(u)"; in line 8 strike "(w)" and insert "(v)"; in line 12 strike "(x)" and insert "(w)"; in line 14 strike "(y)" and insert "(x)"; in line 16 strike "(z)" and insert "(y)"; in line 19 strike "(aa)" and insert "(z)"; in line 20 strike "(bb)" and insert "(aa)"; and in line 22 strike "(cc)" and insert "(bb)".

4. On page 16, line 15, before "and" insert "68-1724,".

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM1521

1. Insert the following new section:

"Sec. 18. Section 9-347, Revised Statutes Supplement, 1994, is amended to read:

9-347. (1) The gross proceeds of any lottery by the sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, payment of the unit cost, any commission paid to a pickle card operator, allowable expenses, and allocations for bingo expenses as provided by subsection (5) of this section.

(2) Not less than sixty-five percent or more than eighty percent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes.

(3) Not more than six percent of the definite profit of a pickle card unit shall be used by the licensed organization to pay the allowable expenses of operating a lottery by the sale of pickle cards, except that license fees paid to the department to license the organization, each utilization-of-funds member, and any sales agent and pickle card dispensing device registration fees shall not be included in determining the six-percent limitation on expenses and no portion of such six percent shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion conducted pursuant to the Nebraska Bingo Act, and of such six percent not more than four percent of the definite profit may be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing of a pickle card unit. When determining the six percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.

(4) Not more than thirty percent of the definite profit of a pickle card unit shall be used by a licensed organization to pay a pickle card operator a commission, fee, or salary for selling

individual pickle cards as opportunities for participation in a lottery by the sale of pickle cards on behalf of the licensed organization.

(5) An organization licensed to conduct bingo pursuant to the Nebraska Bingo Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation. The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the ~~twelve-percent~~ fourteen-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No expenses associated with the conduct of bingo may be paid directly from the pickle card checking account. A licensed organization which needs to allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions to pay bingo expenses as provided by this section shall transfer funds from the pickle card checking account to the bingo checking account by a check drawn on the pickle card checking account or by electronic funds transfer.".

2. On page 19, line 10, strike "twelve" and insert "fourteen"; and in line 18 strike "twelve", show as stricken, and insert "fourteen".

3. On page 20, line 18, strike "twelve-percent", show as stricken, and insert "fourteen-percent".

4. On page 83, line 25, after "9-329.02," insert "9-347,".

Mr. Abboud asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM1538

1. Insert the following new section:

"Sec. 29. Section 9-629, Revised Statutes Supplement, 1994, is amended to read:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen-percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen-percent limitation on expenses.".

2. On page 83, line 26, after "9-623," insert "9-629,"; and in line 28 strike "section is" and insert "sections are".

3. On page 84, line 1, after "Nebraska" insert "and section 9-629.02, Revised Statutes Supplement, 1994".

4. Renumber the remaining sections accordingly.

Mr. Bromm asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1551

(Amendments to E & R amendments, AM7054)

1. On page 1, line 8, and page 2, line 24, strike "obtain" and insert "inform the biological father of his right to execute".

2. On page 1, lines 10 and 11, strike "from the biological father".

Ms. Schimek asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM1046

(Amendments to E & R amendments, AM7061)

1. Strike section 9 and renumber the remaining sections accordingly.

2. On page 11, line 8, strike "32-1409, and 32-1413" and insert "and 32-1409".

Ms. Schimek asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

AM1484

1. Insert the following new sections:

"Sec. 5. Section 79-444, Reissue Revised Statutes of Nebraska, is amended to read:

79-444. (1) Except as provided in subsection (2) of this section, the board of education of any school district shall not admit any child into the kindergarten or beginner grade of any school of such school district unless such child has reached the age of five years or will reach such age on or before October 15 of the current year.

(2) The board of education may admit a child who will reach the age of five between October 16 and February 1 of the current school year if the parent or guardian requests such entrance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction in the current school year, ~~or~~ (b) the family anticipates a relocation to another jurisdiction that would allow admission within the current school year, or (c) the child has demonstrated through recognized assessment procedures approved by the board of education that he or she is capable of carrying the work of kindergarten or the beginner grade.

(3) The board of education may require a birth certificate prior to entrance of a child into the beginner grade and shall require evidence of a physical examination by a qualified physician within six months prior to the entrance of a child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade of the local school, except that no such physical examination shall be required of any child whose parent or guardian objects in writing. The cost of such physical examination shall be borne by the parent or guardian of each child who is examined.

(4) Any board of education in its discretion may (a) establish and financially support programs, including programs providing before-and-after-school or preschool services, to which attendance shall be voluntary and which the board may deem

beneficial to the education of prekindergarten or school-age children and (b) provide or financially support transportation for children to, from, or to and from early childhood programs as defined in section 71-1910. The board may charge a fee, not to exceed the actual cost, for providing such programs and services but may waive such fee on the basis of need. This section shall not be construed to allow any school district to fail to meet its responsibilities under the Special Education Act.

Sec. 20. Sections 5 and 22 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 22. Original section 79-444, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 24. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 451. Placed on Select File as amended.
E & R amendment to LB 451:
AM7106

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-1901, Revised Statutes Supplement, 1994, is amended to read:

71-1901. ~~As used in~~ For purposes of sections 71-1901 to 71-1905 and sections 6 to 8 of this act:

(1) Person shall include a partnership, limited liability company, firm, agency, association, or corporation;

(2) Child shall mean an unemancipated minor;

(3) ~~Child~~ Department shall mean the Department of Social Services;

(4) Foster care shall mean engaged in the ~~business~~ service of exercising twenty-four-hour daily care, supervision, custody, or control over children, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home. Foster care ~~but~~ shall not include casual care at irregular intervals or ~~early childhood~~ programs~~,~~ as defined in section 71-1910; and

~~(4) Department shall mean the Department of Social Services of the State of Nebraska~~

(5) Native American shall mean a person who is a member of an Indian tribe or eligible for membership in an Indian tribe.

Sec. 2. Section 71-1902, Reissue Revised Statutes of Nebraska, is amended to read:

71-1902. No person shall furnish or offer to furnish

~~child~~ foster care for two or more children from different families without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. ~~After July 10, 1990, no~~ No license shall be issued pursuant to this section unless the applicant has completed the required hours of training in foster care as prescribed by the department. All licenses issued under sections 71-1901 to 71-1905 and sections 6 to 8 of this act shall expire one year from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license. ~~After July 10, 1990, no~~ No license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care in the preceding twelve months as prescribed by the department. For the issuance or renewal of each license, the department shall charge a fee of twenty-five dollars for ~~group homes~~ a group home, twenty-five dollars for a child-caring ~~agencies~~ agency, and twenty-five dollars for a child-placing ~~agencies~~ agency. A license may be revoked for cause, after notice and hearing, in accordance with rules and regulations prescribed by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provides twenty-four-hour care to children who are not related to the foster parent by blood or adoption;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for individuals in a residential setting;

(3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.

Sec. 3. Section 71-1903, Revised Statutes Supplement, 1994, is amended to read:

71-1903. Before issuance of a license under sections 71-1901 to 71-1905 and sections 6 to 8 of this act, the department shall cause such investigation to be made as it deems necessary to determine if the character of the applicant, any member of the applicant's household, or the person in charge of the ~~business~~ service and the place where the ~~child~~ foster care is to be furnished are such as to ensure the proper care and treatment of children. The department may investigate the character of prospective or existing licensees, any member of such licensee's household, and the staff and employees of ~~child~~ foster care facilities by making a national criminal records check. The department may request the State Fire Marshal to inspect such places for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 and payable by the licensee or applicant for a license, except that the department may pay the fee for inspection for fire safety of foster family homes as defined in section 71-1902. The department may request the Department of Health to inspect such places to determine if they meet sanitation and health standards set by the Department of Social Services for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel pursuant to section 81-502 or to qualified local environmental health personnel by the Department of Health. The Department of Social Services may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing ~~child~~ foster care to see that such ~~business~~ service is being properly conducted.

Sec. 4. Section 71-1904, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 402, Ninety-fourth Legislature, First Session, 1995, is amended to read:

71-1904. The department shall adopt and promulgate rules and regulations pursuant to sections 71-1901 to 71-1905 and sections 6 to 8 of this act for (1) the proper care and protection of children by licensees under such sections, (2) the issuance, suspension, and revocation of licenses to provide foster ~~child~~ care, (3) the issuance, suspension, and revocation of probationary licenses to provide ~~child~~ foster care, (4) the issuance, suspension, and revocation of provisional licenses to provide ~~child~~ foster care, (5) the provision of training in foster care, which training shall be directly related to the skills necessary to care for children in need of out-of-home care, including, but not limited to, abused, neglected, dependent, and delinquent children, and (6) the proper administration of such sections. The training required by subdivision (5) of this section shall be between twelve and twenty-four hours as determined by the department.

Sec. 5. Section 71-1905, Reissue Revised Statutes of Nebraska, is amended to read:

71-1905. Any person who ~~shall violate~~ violates any of the provisions of sections 71-1901 to 71-1904 and sections 6 to 8 of this act shall be deemed guilty of a Class III misdemeanor.

Sec. 6. In order to achieve the goals and further the purposes of the Federal Indian Child Welfare Act and the Nebraska Indian Child Welfare Act, it is the intent of the Legislature that Native American families have the option to meet separate licensing standards for Native American foster homes located outside the boundaries of any Indian reservation.

Sec. 7. The department may adopt and promulgate rules and regulations establishing separate licensing standards for

Native American foster homes located outside the boundaries of any Indian reservation. The department shall, in consultation with the Commission on Indian Affairs, develop appropriate standards for the licensing of such foster homes. Such standards shall comply with the Federal Indian Child Welfare Act, 25 U.S.C. 1901 et seq., the Nebraska Indian Child Welfare Act, and all other applicable federal and state laws.

Sec. 8. An advisory committee is established which shall be made up of Native Americans knowledgeable in Indian child welfare matters jointly appointed by the executive director of the Commission on Indian Affairs and the Director of Social Services. The advisory committee shall advise the department and the commission on the development of the appropriate standards for the licensing of Native American foster homes located outside the boundaries of any Indian reservation.

Sec. 9. Section 71-1910, Revised Statutes Supplement, 1994, is amended to read:

71-1910. For purposes of sections 71-1908 to 71-1918, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Director shall mean the Director of Social Services; and

(3) Early childhood program or program shall mean the provision of services in lieu of parental supervision for children under thirteen years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored day care, family day care home, day care center, before-and-after-school day care program, before-and-after-school services pursuant to section 79-444, or preschool or nursery school but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to section 79-328, or ~~child~~ foster care as defined in section 71-1901.

Sec. 10. Original sections 71-1902 and 71-1905, Reissue Revised Statutes of Nebraska, sections 71-1901, 71-1903, and 71-1910, Revised Statutes Supplement, 1994, and section 71-1904, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 402, Ninety-fourth Legislature, First Session, 1995, are repealed.".

2. On page 1, line 1, strike the comma; in line 2 strike "71-1904,"; in line 3 strike the first "and" and strike "and 71-1903" and insert ", 71-1903, and 71-1910"; and in line 4 after "1994" insert ", and section 71-1904, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 402, Ninety-fourth Legislature, First Session, 1995".

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:
AM7100

1. On page 2, line 15, strike "more than"; in line 16 after "inhabitants" insert "or more"; and in line 19 strike the comma.

LEGISLATIVE BILL 589. Placed on Select File as amended.
E & R amendment to LB 589:
AM7104

1. On page 1, line 3, after the first comma insert "and" and strike "and 49-803,".
2. On page 7, line 14, strike the comma and show as stricken.
3. On page 9, line 24, strike the second comma and show as stricken.
4. On page 10, line 1, strike the comma and show as stricken.

LEGISLATIVE BILL 772. Placed on Select File as amended.
E & R amendment to LB 772:
AM7089

1. Strike the original section and all amendments thereto and insert the following new sections:

"Section 1. The Adjutant General is authorized by the Legislature to convey to the city of Wahoo, Nebraska, a permanent easement for the maintenance of a sanitary sewer line, with all appurtenances and accessories, in, through, over, and under certain real estate legally described as follows: A twelve-foot-wide strip of land for the maintenance of a sanitary sewer line, with appurtenances and accessories, being part of vacated 17th Street, part of vacated 18th Street, and part of Block 2, in Sunnyside Addition to the City of Wahoo, Saunders County, Nebraska, being described as follows: Commencing at the southeast corner of Block 1 of said Sunnyside Addition; thence N88° 21' 15" W (assumed bearing) on the south line of said Block 1, 125.65 feet to the true point of beginning; thence continuing N88° 21' 15" W on said south line, 12.00 feet; thence S00° 56' 40" W, 339.46 feet; thence S74° 21' 08" E, 148.70 feet to a point on the west line of Chestnut Street; thence N00° 00' 00" W on said west line, 12.46 feet; thence N74° 21' 08" W, 136.08 feet; thence N00° 56' 40" E, 330.05 feet to the true point of beginning.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 346. Placed on Select File as amended.
E & R amendment to LB 346:
AM7103

1. Strike the original sections and all amendments

thereto and insert the following sections:

"Section 1. Section 17-107, Revised Statutes Supplement, 1994, is amended to read:

17-107. (1) A mayor of a city of the second class shall be elected in the manner provided in the Election Act. The mayor shall be a resident and registered voter of the city. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council which vacancy shall be filled as provided in section 32-568. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the mayor and council shall be removable at any time by the mayor. A police officer, including the chief of police, may appeal such removal or other disciplinary action to the city council. After a hearing, the city council may uphold, reverse, or modify the removal or disciplinary action.

(2) The city council shall by ordinance adopt rules and regulations governing the removal or discipline of any police officer, including the chief of police. The ordinance shall include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the disciplinary action shall have the right at the hearing to be heard and to present evidence to the city council for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the city council shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the city council to act within thirty days or the failure of a majority of the elected council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

Sec. 2. Section 17-208, Reissue Revised Statutes of Nebraska, is amended to read:

17-208. (1) The village board of trustees may appoint a village clerk, treasurer, attorney, overseer of the streets, and marshal. The village marshal, or any other police officer, may request a review by the village board of his or her removal or any other disciplinary action taken against him or her. After a hearing, the village board may uphold, reverse, or modify the removal or disciplinary action.

(2) The village board of trustees shall by ordinance adopt rules and regulations governing the removal or discipline of any police officer, including the village marshal. The ordinance shall include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the disciplinary action shall have the right at the hearing to be heard and to present evidence to the village board for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the village board shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the village board to act within thirty days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the village board shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(3) The village board of trustees ~~It~~ shall also appoint a board of health consisting of three members: The ~~chairman~~ chairperson of the village board, who shall be ~~chairman~~ chairperson, the marshal, who shall be secretary and quarantine officer, and one other member. The third member shall be a physician, when a physician is residing permanently in the village, or such other person as the village board may select. A majority of ~~such~~ the board of health shall constitute a quorum~~,~~ and shall enact rules and regulations, which ~~rules and regulations~~ shall have the force and effect of law, to safeguard the health of the people of such village~~,~~ and prevent nuisances and unsanitary conditions. The ~~, and the~~ board of health shall enforce the same and provide fines and punishments for ~~the violation thereof. Said~~ violations. The appointees shall hold office for one year~~,~~ unless ~~sooner~~ removed by the ~~president~~ chairperson of the board~~,~~ with the advice and consent of the trustees.

Sec. 3. Original section 17-208, Reissue Revised

Statutes of Nebraska, and section 17-107, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, line 5, after the semicolon insert "to provide for rules and regulations;".

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 91. Introduced by Crosby, 29.

WHEREAS, Reta M. Johnson retired on March 30, 1995, after having devoted more than twenty-six years of service to the State of Nebraska in the Supreme Court Library; and

WHEREAS, Reta Johnson served as Deputy Director of the Supreme Court Library from March 1979 until her retirement; and

WHEREAS, during her tenure in the library, Reta Johnson strove to make the library user-friendly through dividing the card catalog, colorizing the periodicals, applying Library of Congress numbers to treatises, reorganizing the library, and emphasizing hands-on service. Rather than being behind a desk, Reta could often be found in the stacks assisting patrons in locating a reference and familiarizing them with available resources; and

WHEREAS, Reta Johnson is known for her smile and helpful manner, her attention to detail, her pride in the Supreme Court Library, and her "green thumb" as evidenced by all the greenery and blooming flowers housed in the library; and

WHEREAS, throughout her career, Reta Johnson has been recognized by the Nebraska State Bar Association, the Supreme Court, and the Governor for her dedication and efforts on behalf of the state; and

WHEREAS, Reta Johnson's years of service in the Supreme Court Library on behalf of the members of the Legislature and the citizens of this state are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its gratitude and well wishes to Reta Johnson.
2. That a copy of this resolution be sent to Reta Johnson.

Laid over.

VISITORS

Visitors to the Chamber were 21 fourth grade students and sponsor from Central Elementary, Plattsmouth; Gil and Deb Koetzle from Sioux Falls, South Dakota; 41 fourth grade students and sponsor from Aldrick Elementary, Omaha; Senator Vrtiska's daughters, Dr. Terri Vrtiska from

Rochester, Minnesota, and Lori Vrtiska-Sibel from Lincoln; 40 seventh and eighth grade students, teacher, and sponsor from District 9, Columbus; and 15 seventh grade students and teacher from Newcastle.

ADJOURNMENT

At 2:31 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Monday, April 10, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-NINTH DAY - APRIL 10, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Gretchen Naugle, Beautiful Savior Lutheran Church, Palmyra, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Bernard-Stevens, Engel, Hall, Kristensen, Landis, Lindsay, Robinson, Warner, Will, Withem, Mmes. McKenzie, Robak, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LB 274.

(Signed) W. Owen Elmer

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1462

1. Insert the following new section:
"Sec. 11. It is the intent of the Legislature that women

be informed of the services available to help prevent unintended pregnancies and the availability of low-cost services for health screening, through family planning clinics.

Individuals who receive assistance pursuant to section 43-512 shall receive, with each assistance payment, information on licensed family planning clinics, including location, phone numbers, and services provided, and that the medical assistance program established under section 68-1018 will pay the costs of clinic services.".

2. Renumber the remaining sections and correct internal references accordingly.

Messrs. Maurstad, Schellpeper, Kristensen, and Mrs. Hudkins asked unanimous consent to print the following amendment to LB 418 in the Journal. No objections. So ordered.

(Amendment, AM1456, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 455. Title read. Considered.

Standing Committee amendment, AM1397, found in the Journal on page 1499, was considered.

Mrs. Witek offered the following amendment to the Standing Committee amendment:

AM1560

(Amendments to Standing Committee amendments, AM1397)

1. Strike section 14.
2. Renumber remaining sections accordingly.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 16:

Bromm
Brown
Coordsen
Dierks
Fisher
Hudkins
Jensen
Jones
Matzke
Maurstad
Pirsch
Schellpeper
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 16:

Avery
Beutler
Bohlke
Chambers
Cudaback
Day
Hall
Janssen
Landis
Lindsay
Lynch
Pedersen
Preister
Schimek
Wesely
Wickersham

Present and not voting, 9:

Brashear
Crosby
Elmer
Hartnett
McKenzie
Robinson
Schmitt
Schrock
Stuhr

Excused and not voting, 8:

Abboud
Bernard-Stevens
Engel
Hillman
Kristensen
Robak
Will
Withem

The motion to cease debate lost with 16 ayes, 16 nays, 9 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT ROBAK PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 89.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 168. Placed on Select File as amended.
E & R amendment to LB 168:
AM7105

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 84-907, Reissue Revised Statutes of Nebraska, is amended to read:

84-907. (1) No rule or regulation shall be adopted, amended, or repealed by any agency except after public hearing on the question of adopting, amending, or repealing such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. All such hearings shall be open to the public. In addition to the requirements of section 84-906.01, draft copies or working copies of all rules and regulations to be adopted, amended, or repealed by any agency shall be available to the public in the office of the Secretary of State at the time of giving notice. The notice shall include: ~~(1)~~ (a) A declaration of availability of such draft or work copies for public examination; ~~(2)~~ (b) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation; ~~and (3)~~ (c) a description but not necessarily a quantification of the fiscal impact on state agencies, political subdivisions, and persons being regulated or an explanation of where the description of the fiscal impact may be inspected and obtained; (d) if the proposed rule or regulation or the amendment or repeal of the rule or regulation may constitute or allow a taking of property, an analysis of any potential taking of property under the proposed rule or regulation, including (i) a description of the type of property which may be taken and (ii) the estimated but not necessarily quantified fiscal impact on the state or an explanation of where the description of the type of property and fiscal impact may be inspected and obtained; and (e) an analysis of any potential impact on the right of the people peaceably to assemble and to petition the government or any department thereof. No person may challenge the validity of any rule or regulation, the adoption, amendment, or repeal of any rule or regulation, or any determination of the applicability of any rule or regulation on the basis of the explanation provided pursuant to subdivision ~~(2)~~ (b) of this ~~section~~ subsection. Any agency adopting, amending, or repealing a rule or regulation may make written application to the Governor who may, upon receipt of a written showing of good cause, waive the notice of public hearing.

(2) For purposes of this section, good cause shall include, but not be limited to, a showing by the agency that:

(a) Compliance with the public notice requirements of this section would result in extreme hardship on the citizens of this state;

(b) An emergency exists which must be remedied immediately; or

(c) A timely filing or publication of notice of a public hearing was prevented by some unforeseeable event beyond the immediate control of the agency and that the parties affected have not and will not suffer material injury as a result of the agency's action.

(3) Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted or changed.

Sec. 2. Original section 84-907, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 2, strike "84-905.01" and insert "84-907"; and in lines 3 and 4 strike "review by the Attorney General" and insert "notice of public hearing".

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendment to LB 425:
AM7107

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-1201.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.01. ~~As used in~~ For purposes of sections 81-1201.01 to 81-1201.22 and section 4 of this act, unless the context otherwise requires:

(1) Commission ~~shall mean~~ means the Economic Development Commission;

(2) Community Development Block Grant ~~shall mean~~ means the grants distributed pursuant to the federal Housing and Community Development Act of 1974 as amended by the federal Housing and Urban-Rural Recovery Act of 1983;

(3) Department ~~shall mean~~ means the Department of Economic Development;

(4) Director ~~shall mean~~ means the Director of Economic Development;

(5) Economic articulation ~~shall mean~~ means the creation of economic activities which will provide inputs to and markets for other businesses in the state;

(6) Economic development program means the loan, grant, and training programs of the department;

(7) Educational institutions ~~shall mean~~ means nonprofit public and private colleges, community colleges, state colleges, and universities in the state; ~~and~~

~~(7)~~ (8) Qualified business means any business engaged in the activities in subdivisions (a) through (e) of this subdivision or in the storage, warehousing, distribution, transportation, or sale of tangible personal property. Qualified business does not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of food prepared for immediate consumption or are sales to the ultimate consumer of tangible personal property which is not assembled, fabricated, manufactured, or processed by the company or used by the purchaser in any of the following activities:

(a) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;

(b) The performance of data processing, telecommunication, insurance, or financial services. Financial services, for purposes of this subdivision, includes only financial services provided by any financial institution subject to tax under sections 77-3801 to 77-3807 or any person or entity licensed by the Department of Banking and Finance or the Securities and Exchange

Commission;

(c) The assembly, fabrication, manufacture, or processing of tangible personal property;

(d) The administrative management of any activities, including headquarter facilities, relating to such activity; or

(e) Any combination of activities listed in this subdivision; and

(9) Value-adding industry ~~shall mean~~ means an economic enterprise that adds value through processing, fabrication, or other means to goods or services.

Sec. 2. Section 81-1201.03, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.03. The chief executive officer of the department shall be the Director of Economic Development who shall be appointed by the Governor with the consent of a majority of the Legislature. The director shall administer the affairs of the department and shall serve at the pleasure of the Governor. The director shall have equal rank with the heads of other state departments, and his or her salary shall be fixed by the Governor with the advice of the commission. The director shall employ a deputy director with significant and extensive professional experience in the field of economic development. The director shall employ division directors and such other assistants, professional staff, and other employees as he or she deems necessary to effectively carry out sections 81-1201.01 to 81-1201.20 and section 4 of this act within the appropriations the Legislature provides.

Sec. 3. Section 81-1201.20, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.20. The department shall adopt and promulgate rules and regulations to carry out sections 81-1201.01 to 81-1201.20 and section 4 of this act.

Sec. 4. (1) To provide a degree of flexibility in achieving the purposes of the programs and activities described in section 81-1201.09, and to remain competitive with those of other states and localities, the Selective Enhancement for Economic Development Fund is hereby created.

(2) The purposes of the fund are:

(a) To make revolving economic development loans;

(b) To make low-interest economic development loans at one-half of the rate of the primary lender participating in the project for which the loan is granted; and

(c) To supplement existing economic development programs, including Community Development Block Grants and customized job training programs.

The fund shall be appropriated for no other purposes. Any repayment of loans and interest shall be remitted to the State Treasurer for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No additional General Fund dollars shall be appropriated to the Selective Enhancement for Economic Development Fund after FY1996-97.

(3) The commission shall adopt policies and procedures for the administration of the fund by the department. Such policies shall include:

(a) No more than twenty-five percent of the fund, in the aggregate, shall be approved annually for loans or grants, either directly or indirectly through communities, to qualified businesses each of which employs more than one hundred employees;

(b) Businesses eligible for a loan or grant from the fund, either directly or indirectly through communities, shall be qualified businesses creating new employment of fewer than two hundred and fifty new employees;

(c) The terms and conditions of the loans or grants, including a requirement that collateral or security be provided to insure repayment of loans made from the fund. Any collateral lien may be subordinated to other liens;

(d) The procedure for applying for a loan or grant from the fund;

(e) Any other policies necessary for the administration of the fund; and

(f) A finding with respect to each loan and grant that competition from another state is a factor in the qualified business's decision to establish a qualified business or expand a qualified business.

Only projects consistent with such policies and procedures shall be approved by the Governor. The Governor shall have the sole authority to give the final approval for all projects and activities which are established under the fund.

(4) The department shall submit an annual report of its activities under this section for the preceding calendar year to the Clerk of the Legislature not later than March 15. Each member of the Legislature shall receive a copy of the report. The report shall list all projects and activities established under the fund during the preceding year and all loans made pursuant to this section that were outstanding during the preceding year.

(5) The report shall list (a) the recipients of loans or grants during the previous calendar year, (b) the identity of each recipient, and (c) the location of each project.

(6) The report shall also state by industry group (a) the number of jobs created, (b) the total number of employees employed in the state by the recipients on the last day of the calendar quarter prior to the application date and the total number of employees employed in the state by the recipients on subsequent reporting dates, (c) the expansion of capital investment, (d) the estimated wage and benefit levels of jobs created subsequent to the application date, (e) the amount of loans or grants, and (f) the

projected future state revenue gains and losses.

(7) No information shall be provided in the report that is protected by state or federal confidentiality laws.

(8) This section terminates on January 1, 2000. The money remaining in the Selective Enhancement for Economic Development Fund on such date shall be transferred to the General Fund. Any money expended pursuant to subdivisions (2)(a) and (b) of this section shall be credited to the General Fund when repaid.

Sec. 5. Original sections 81-1201.01, 81-1201.03, and 81-1201.20, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 4, after "loans" insert "and grants"; and in line 5 after the first semicolon insert "to provide a termination date;".

LEGISLATIVE BILL 425A. Placed on Select File as amended.
E & R amendment to LB 425A:
AM7108

1. On page 2, line 13, strike "of" and insert "or".

LEGISLATIVE BILL 871. Placed on Select File as amended.
E & R amendment to LB 871:
AM7109

1. In the Standing Committee amendment, AM1200, on page 2, line 3, after "Replacement" insert "water"; and in line 5 after "replacement" insert "water".

2. On page 1, strike beginning with "appropriation" in line 1 through line 6 and insert "water; to amend sections 46-235.04, 46-613, and 46-663, Reissue Revised Statutes of Nebraska, and section 46-1405, Revised Statutes Supplement, 1994; to change provisions relating to water well priority dates and decommissioning, ground water preferences, instream appropriations, and meters on water wells; to define terms; to state findings; to provide powers; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

Correctly Reengrossed

The following bills and resolution were correctly reengrossed: 19A, 65, 240, 300, 581, and LR 3CA.

Correctly Engrossed

The following bills were correctly engrossed: 37, 37A, 430, and 494.

Enrollment and Review Change to LB 37

The following changes, required to be reported for publication in the Journal, have been made:
ER9041

1. In the Coordsen amendment, AM1395, section 10 has been renumbered as section 9.

2. In the E & R amendments, AM7058:

a. On page 1, lines 13 and 22; page 7, line 19; page 9, lines 19 and 23; page 11, line 20; page 12, line 27; page 13, line 13; page 15, line 2; page 23, line 17; page 24, line 27; page 26, line 20; page 27, line 23; and page 28, line 3, "7" has been struck and "6" inserted;

b. On page 29, line 26, "7" has been struck and "6" inserted; and

c. On page 30, line 9, "60-302.04," has been struck; and in line 11 "60-4,118," has been inserted after the first comma.

2. On page 1, line 9, "to change provisions relating to driver's license examinations;" has been inserted after the semicolon.

Enrollment and Review Change to LB 65
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9042

1. In the Withem amendment, AM1185, on page 1, line 3, "candidate" has been struck and "candidates" inserted; and in line 5 "office" has been struck and "offices" inserted.

2. On page 1, line 4, "eliminate a requirement" has been struck and "change requirements" inserted.

Enrollment and Review Change to LB 300
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9043

1. In the Lindsay-Hall amendment, AM1121, amendment 2 has been struck.

2. On page 1, line 1; and page 3, line 23, "77-2734.02, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section".

3. On page 1, line 3, "to change the corporate tax rate for insurance companies subject to retaliatory taxes;" has been inserted after the first semicolon; and in line 4 "section" has been struck and "sections" inserted.

4. On page 3, line 24, "is" has been struck and "are" inserted.

Enrollment and Review Change to LB 430

The following changes, required to be reported for publication in the Journal, have been made:

ER9040

1. On page 1, line 1, "section" has been struck and "sections 77-2701 and" inserted; in line 3 "an exemption relating to" has been

struck and "exemptions for certain molds, dies, and patterns and for" inserted; in line 4 "or cement; to harmonize provisions" has been inserted after "steel"; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 494

The following changes, required to be reported for publication in the Journal, have been made:
ER9039

1. In the Coordsen amendment, FA112, an underscored comma has been inserted before "except", underscoring has been inserted beginning with "except" through "domain", and the period has been struck.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 455. The Witek pending amendment, AM1560, found in this day's Journal, to the pending Standing Committee amendment, was renewed.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 11:

Bromm
Fisher
Jensen
Jones
Maurstad
Pedersen
Pirsch
Schellpeper
Schrock
Vrtiska
Witek

Voting in the negative, 18:

Beutler
Bohlke
Chambers
Crosby
Hall
Janssen
Landis
Lindsay
Lynch
Matzke
McKenzie
Preister
Schimek
Schmitt
Warner
Wehrbein
Wesely
Withem

Present and not voting, 13:

Avery
Brashear
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Hartnett
Hudkins
Robinson
Stuhr
Wickersham

Excused and not voting, 7:

Abboud
Bernard-Stevens
Engel
Hillman
Kristensen
Robak
Will

The Witek amendment lost with 11 ayes, 18 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek offered the following amendment to the Standing Committee amendment:
AM1561
(Amendments to Standing Committee amendments, AM1397)
1. Strike section 15.
2. Renumber remaining sections accordingly.

SPEAKER WITHEM PRESIDING

Messrs. Landis, Robinson, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on her amendment.

Mrs. Pirsch requested a roll call vote on the Witek amendment.

Voting in the affirmative, 21:

Avery
Brashear
Bromm
Brown
Coordsen
Cudaback
Elmer
Fisher
Hudkins
Jensen
Jones
Kristensen
Maurstad
Pirsch
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Witek

Voting in the negative, 16:

Bernard-Stevens
Beutler
Bohlke
Chambers
Crosby
Day
Hall
Lindsay
Lynch
Matzke
McKenzie
Preister
Schimek
Wesely
Wickersham
Withem

Present and not voting, 4:

Dierks
Engel
Hartnett
Janssen

Absent and not voting, 1:

Wehrbein

Excused and not voting, 7:

Abboud Landis Robak Robinson Will
Hillman Pedersen

The Witek amendment lost with 21 ayes, 16 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 90.

LR	**Committee**
90	Banking, Commerce and Insurance

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 38 fourth grade students, teacher, and sponsor from Lincoln Christian, Lincoln; 24 fourth grade students and teacher from St. John's Lutheran, Seward; 60 sophomores and sponsors from across the state; and 40 fourth grade students and sponsor from Lincoln Elementary, Hastings.

RECESS

At 12:01 p.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Beutler, Jones, Landis, Pedersen, Robinson, Schrock, Will, and Mrs. Pirsch who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 326, 326A, 434, 524, 524A, 541, and 874.

Enrollment and Review Change to LB 541

The following changes, required to be reported for publication in the Journal, have been made:
ER9046
1. On page 1, line 1, "historical" has been struck and "motor" inserted; and in line 3 "vehicle registration and" has been inserted after "historical".

Enrollment and Review Change to LB 874

The following changes, required to be reported for publication in the Journal, have been made:
ER9044
1. In the Standing Committee amendments, AM0828, on page 3, line 3, "1994," has been inserted after the comma.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 455. Mrs. Witek offered the following amendment to the pending Standing Committee amendment:
AM1562
(Amendments to Standing Committee amendments, AM1397)
1. Strike section 16.
2. Renumber remaining sections accordingly.

Messrs. Kristensen, Coordsen, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Pirsch requested a roll call vote on the Witek amendment.

Voting in the affirmative, 18:

Abboud
Brashear
Bromm
Cudaback
Elmer
Fisher
Jensen
Jones
Maurstad
Pirsch
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 18:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Day
Engel
Hall
Lindsay
Lynch
Matzke
McKenzie
Preister
Robak
Schimek
Wesely
Withem

Present and not voting, 5:

Dierks
Hartnett
Hudkins
Janssen
Pedersen

Excused and not voting, 8:

Avery
Coordsen
Hillman
Kristensen
Landis
Robinson
Wickersham
Will

The Witek amendment lost with 18 ayes, 18 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Hartnett and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek offered the following amendment to the pending Standing Committee amendment:
AM1563
(Amendments to Standing Committee amendments, AM1397)
1. Strike amendment 5.
2. Renumber the remaining amendments accordingly.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 7:

Abboud
Bromm
Coordsen
Cudaback
Jensen
Pirsch
Witek

Voting in the negative, 21:

Bernard-Stevens
Beutler
Bohlke
Chambers
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hall
Hudkins
Janssen
Maurstad
McKenzie
Preister
Schimek
Vrtiska
Warner
Wehrbein
Wesely

Present and not voting, 13:

Brashear
Brown
Jones
Lindsay
Matzke
Pedersen
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Withem

Excused and not voting, 8:

Avery
Hartnett
Hillman
Kristensen
Landis
Lynch
Wickersham
Will

The Witek amendment lost with 7 ayes, 21 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Campbell, John J. - Nebr. State Boiler Safety Advisory Board -- Business and Labor

Gilfillan, David L. - Nebr. Railway Council -- Transportation

Hix, Thomas J. - Nebr. State Boiler Safety Advisory Board -- Business and Labor

Thompson, Jerome - Nebr. State Boiler Safety Advisory Board -- Business and Labor

Tubbs, Glen E. - Nebr. State Boiler Safety Advisory Board -- Business and Labor

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 455. Mr. Hall renewed his pending amendment, AM1539, found in the Journal on page 1565, to the pending Standing Committee amendment.

Messrs. Lindsay, Maurstad, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on the Hall amendment.

Voting in the affirmative, 30:

Abboud
Avery
Brashear
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Will
Witek

Voting in the negative, 12:

Bernard-Stevens
Beutler
Chambers
Day
Landis
Lindsay
Matzke
Maurstad
Preister
Schimek
Warner
Wesely

Present and not voting, 3:

Bohlke
McKenzie
Withem

Excused and not voting, 4:

Bromm
Hillman
Kristensen
Wickersham

The Hall amendment was adopted with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA133
Amend the committee amendment.
On pg 3, line 11 add the words "clothing," after the word "food"

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hartnett and Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Witek requested a record vote on the Beutler amendment.

Voting in the affirmative, 26:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Crosby
Elmer
Engel
Hall
Hudkins
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Will
Withem

Voting in the negative, 3:

Jensen
Pirsch
Witek

Present and not voting, 13:

Abboud
Coordsen
Cudaback
Dierks
Fisher
Janssen
Jones
Robak
Robinson
Schellpeper
Schrock
Vrtiska
Warner

Excused and not voting, 7:

Bromm
Day
Hartnett
Hillman
Kristensen
Landis
Wickersham

The Beutler amendment was adopted with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 456, 599, and 626.

(Signed) David I. Maurstad, Chairperson

MOTION - Place LB 851 on General File

Mr. Hall moved, pursuant to Rule 3, Section 19(b), to have LB 851 placed on General File.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA135
Amend Committee Amends. (AM1397)
Page 3, strike lines 23-27;
Page 4, strike line 1

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA136
Amend Committee Amends. (AM1397)
Page 1, line 17, add: "Any period of ineligibility for assistance due to a failure to cooperate pursuant to section 68-1723 shall under no circumstances apply to children in a recipient family."

UNANIMOUS CONSENT - Members Excused

Mr. Coordsen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 455. Mr. Chambers offered the following amendment to the pending Standing Committee amendment:

FA134

Amend Committee Amends. (AM1397)

Add a new section:

Page 10, lines 24-28 reinstate the stricken matter;

Page 11, lines 26-28, page 12, line 1 reinstate stricken matter.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Wesely requested a ruling of the Chair on whether the Chambers amendment is germane to the Standing Committee amendment.

The Chair ruled the Chambers amendment is not germane to the Standing Committee amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

AM1568

(Amendments to Standing Committee amendments, AM1397)

1. On page 6, line 4, strike beginning with "not" through "43-512" and insert "be, as a maximum amount, the standard of need as determined by this section".

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mrs. Pirsch offered the following amendment to the Standing Committee amendment:

AM1569

(Amendments to Standing Committee amendments, AM1397)

1. On page 1, line 1, strike "Insert" and insert "Strike section 1 and insert"; and in line 2 after the quotation mark insert

"Section 1. Section 43-504, Reissue Revised Statutes of Nebraska, is amended to read:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county social services agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified in this subsection at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) ~~In~~ Except as provided in subdivision (2)(b) of section 68-1724, in awarding aid to dependent children payments, the term dependent child ~~shall~~ does not include an unborn child. ~~children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children.~~ As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

~~(4) Notwithstanding subsection (2) of this section, commencing December 1, 1992, through June 30, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of~~

15 ~~pregnancy.~~".

Mrs. Bohlke requested a ruling of the Chair on whether the Pirsch amendment is germane to the Standing Committee amendment.

The Chair ruled the Pirsch amendment is not germane to the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following Warner-Bromm amendment to the Standing Committee amendment:
FA137

Amend Sec. 14 of the standing committee amendments, AM1397, as follows:

On page 5, lines 16, 18, 23 and 24 after the word "health" strike "insurance" and insert "care through insurance or other methods"

On page 5, line 17, after "Governor" strike "should" and insert "together with the Legislature shall"

The Warner-Bromm amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. Wesely requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 25:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Elmer
Engel
Hall
Hudkins
Lindsay
Lynch
Matzke
Pedersen
Preister
Robak
Robinson
Schimek
Stuhr
Wehrbein
Wesely
Will
Withem

Voting in the negative, 3:

Jensen
Pirsch
Witek

Present and not voting, 10:

Avery
Chambers
Cudaback
Fisher
Jones
Kristensen
Maurstad
Schellpeper
Schrock
Vrtiska

Excused and not voting, 11:

Bromm
Coordsen
Dierks
Hartnett
Hillman
Janssen
Landis
McKenzie
Schmitt
Warner
Wickersham

The Standing Committee amendment, as amended, was adopted with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 187, 194, 372, 381, 381A, 449, 449A, 601, and 756.

Enrollment and Review Change to LB 194

The following changes, required to be reported for publication in the Journal, have been made:
ER9045
1. In the Maurstad amendment, AM1517:
a. On page 1, line 24, "to" has been struck;
b. On page 2, line 5, "and" has been struck and the stricken comma has been reinstated; and
c. On page 3, line 14, "for" has been struck and "in" inserted.
2. On page 1, line 2, ", 17-204," has been inserted after "16-701"; in line 3 "and 17-706" has been struck and ", 17-202, 17-706, 32-532, and 32-811" inserted; in line 6 "and" has been struck and "to change provisions relating to the election and terms of office of village boards of trustees; to provide duties for the Auditor of Public Accounts; to harmonize provisions;" inserted and "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 372

The following changes, required to be reported for publication in the Journal, have been made:
ER9047
1. On page 1, line 4, "and appropriations" has been inserted after "contracts".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Matzke and Mrs. Stuhr asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1579

(Amendments to E & R amendments, AM7054)

1. Insert the following sections:

"Sec. 22. (1) The Department of Social Services shall establish a biological father registry which shall record the names and addresses of (a) any person adjudicated by a court of this state to be the father of a child born out of wedlock, (b) any person who has filed with the registry a notice of intent to claim paternity and obtain custody of such child, and (c) any person adjudicated by a court of another state or territory of the United States to be the father of such child, if a certified copy of the court order has been filed with the registry by that person or any other person.

(2) A notice of intent to claim paternity and obtain custody filed with the registry shall include the claimant's name and address, the name and last-known address of the mother, and the month and year of the birth or the expected birth of the child. The person filing the notice shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

(3) Any person filing a notice of intent to claim paternity and obtain custody with the biological father registry may revoke such notice, and upon receipt of such revocation by the registry, the effect shall be as if no filing had ever been made.

(4) The department shall not divulge the names and addresses of persons listed with the registry to any other person except as authorized by law or upon order of a court for good cause shown.

(5) The department may develop information about the registry and may distribute such information, through their existing publications, to the news media and the public. The department may provide information about the registry to the Department of Correctional Services and the Department of Health, who may distribute such information through their existing publications.

Sec. 24. Section 43-104.03, Revised Statutes Supplement, 1994, is amended to read:

43-104.03. Within three days after the filing of a notice of intent to claim paternity and obtain custody with the biological father registry pursuant to section 43-104.02, the Director of Social Services shall cause a certified copy of such notice to be mailed by certified mail to (1) the mother or prospective mother of such child at the last-known address shown on the notice of intent to claim paternity and obtain custody or (2) an agent specifically designated in writing by the mother or prospective mother to receive such notice. The notice shall be admissible in any action for paternity under sections 43-1401 to 43-1418, shall estop the claimant from denying paternity of such child thereafter, and shall contain language that the claimant acknowledges liability for contribution to the support and education of the child after birth and for contribution to the pregnancy-related medical expenses of the mother.

Sec. 25. Section 43-104.04, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.04. If a notice of intent to claim paternity and obtain custody is not timely filed ~~within five days~~ with the biological father registry pursuant to section 43-104.02, the mother of a child born out of wedlock or an agent specifically designated in writing by the mother may request, and the Department of Social Services shall supply, a certificate that no notice of intent to claim paternity and obtain custody has been filed with the ~~department~~ biological father registry and the filing of such certificate pursuant to section 43-102 shall eliminate the need or necessity of a consent or relinquishment for adoption by the natural father of such child.".

2. On page 15, line 5, strike "(1)" and show as stricken; in line 9 strike "A" and insert "As provided in section 22 of this act, a"; in line 12 before "Department" insert "biological father registry maintained by the"; and strike lines 23 to 25 and show as stricken.

3. On page 16, line 2, after "filed" insert "with the biological father registry".

4. On page 20, line 19, after the first comma insert "43-104.04,"; in line 20 strike "section" and insert "sections 43-104.03 and"; in line 22 strike "sections are" and insert "section is"; and in line 23 strike "Sections 43-104.04 and" and insert "Section".

5. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 21 fourth grade students and teacher from Seward Elementary; Glenda Reimer from Washington D.C.; and ten FHA women from Ainsworth.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 5:47 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTIETH DAY - APRIL 11, 1995

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 11, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Mark TeVogt, New Life Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett and Mrs. Hillman who were excused; and Messrs. Abboud, Beutler, Bromm, Kristensen, Landis, Lindsay, Schrock, Wickersham, Will, Mmes. Bohlke, Brown, Crosby, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

SELECT FILE

LEGISLATIVE BILL 377A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 68A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 178A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 712. Mr. Matzke and Mrs. Stuhr renewed their pending amendment, AM1579, found in the Journal on page 1603, to the Stuhr pending amendment, as amended, AM1518, found in the Journal on page 1532 and considered on page 1556.

Mr. Bernard-Stevens moved to bracket LB 712 until Thursday, April 13, 1995.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to bracket LB 712.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Matzke-Stuhr amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Bernard-Stevens and Bromm offered the following amendment to the Stuhr pending amendment:
FA138

Strike "and obtain custody" in lines 12 & 13 of AM1579 (page 1) & strike "and obtain custody" on line 20 (page 1) of AM1579

And on page 2 line 14 strike "and obtain custody"

And on page 3 line 4 and 9 strike "and obtain custody"

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bernard-Stevens-Bromm amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Stuhr pending amendment, AM1518, as amended, was renewed.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Stuhr amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Bromm renewed his pending amendment, AM1446, found in the Journal on page 1535.

Messrs. Cudaback, Kristensen, Lynch, Dierks, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 298. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 92. Introduced by Beutler, 28; Landis, 46; Maurstad, 30; Lynch, 13; Hudkins, 21; Schimek, 27; Crosby, 29; Wesely, 26; Warner, 25.

BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature extends its sympathy to the family of Joe R. Seacrest and expresses its deep gratitude to his beloved wife "Mike" and to his family for his many years of thoughtful focus on public issues which has enriched us all. His love of state was second only to his love of family. And his love of state was symbolized by his passionate defense of the first amendment-freedom of speech. We expect he will defend it in heaven as he did on earth. God bless him.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 490A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 840 in the Journal. No objections. So ordered.

AM1475

(Amendments to E & R amendments, AM7077)

1. On page 13, after line 19, insert the following new paragraph:

"The provisions of this section shall not affect any calculations for equalization aid distributed prior to fiscal year 1995-96.".

Ms. Day asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

(Amendment, AM1453, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 22 fourth grade students and sponsor from Plattsmouth; students and teacher from Cedar Canyon School, Gering; and 50 fourth grade students and sponsor from Blumfield Elementary, Omaha.

RECESS

At 12:04 p.m., on a motion by Mrs. Witek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett and Mrs. Hillman who were excused; and Messrs. Abboud, Brashear, Chambers, Hall, Landis, Lindsay, Maurstad, Pedersen, Robinson, Schmitt, Warner, Wehrbein, Will, Mmes. Bohlke, Brown, McKenzie, Robak, and Ms. Day who were excused until they arrive.

CORRECTED SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 168. Corrected E & R amendment: AM7105

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 84-907, Reissue Revised Statutes of Nebraska, is amended to read:

84-907. (1) No rule or regulation shall be adopted, amended, or repealed by any agency except after public hearing on the question of adopting, amending, or repealing such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. All such hearings shall be open to the public. In addition to the requirements of section 84-906.01, draft copies or working copies of all rules and regulations to be adopted, amended, or repealed by any agency shall be available to the public in the office of the Secretary of State at the time of giving notice. The notice shall include: ~~(1)~~ (a) A declaration of availability of such draft or work copies for public examination; ~~(2)~~ (b) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation; ~~and (3)~~ (c) a description but not necessarily a quantification of the fiscal impact on state agencies, political subdivisions, and persons being regulated or an explanation of where the description of the fiscal impact may be inspected and obtained; and (d) if the proposed rule or regulation or the amendment or repeal of the rule or regulation may constitute or allow a taking of property, an analysis of any potential taking of property under the proposed rule or regulation, including (i) a description of the type of property which may be taken and (ii) the estimated but not necessarily quantified fiscal impact on the state or an explanation of where the description of the type of property and fiscal impact may be inspected and obtained. No person may challenge the validity of any rule or regulation, the adoption, amendment, or repeal of any rule or regulation, or any determination of the applicability of any rule or regulation on the basis of the explanation provided pursuant to subdivision ~~(2)~~ (b) of this ~~section~~ subsection. Any agency adopting, amending, or repealing a rule or regulation may make written application to the Governor who may, upon receipt of a written showing of good cause, waive the notice of public hearing.

(2) For purposes of this section, good cause shall include, but not be limited to, a showing by the agency that:

(a) Compliance with the public notice requirements of this section would result in extreme hardship on the citizens of this state;

(b) An emergency exists which must be remedied immediately; or

(c) A timely filing or publication of notice of a public hearing was prevented by some unforeseeable event beyond the immediate control of the agency and that the parties affected have not and will not suffer material injury as a result of the agency's action.

(3) Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted or changed.

Sec. 2. Original section 84-907, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 2, strike "84-905.01" and insert "84-907"; and in lines 3 and 4 strike "review by the Attorney

8 General" and insert "notice of public hearing".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 712. The Bromm pending amendment, AM1446, found in the Journal on page 1535 and considered in this day's Journal, was renewed.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

Mr. Bromm renewed his pending amendment, AM1503, found in the Journal on page 1535.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Bromm amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Bromm withdrew his amendment, AM1551, found in the Journal on page 1570.

Mr. Jensen offered the following amendment:
AM1586

(Amendments to E & R amendments, AM7054)

1 1. On page 1, line 8, strike "obtain" and insert "inform
2 the biological father of his right to execute"; and in lines 10 and
3 11, strike "from the biological father".
4 2. On page 2, line 24, strike "obtain" and insert
5 "inform the biological father of his right to execute"; and in line
6 26 strike from "from" to "fathers".

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Jensen pending amendment:
FA139

Amend Jensen amendment.
In line 5, after "father", insert "or possible biological fathers"

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Jensen amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mrs. Witek offered the following amendment:
AM1588

1. In the Matzke-Bromm amendment, AM1371, on page 1, line 14, strike "a (male or female) child" and insert "the child at issue herein".

Mrs. Witek withdrew her amendment.

Mr. Hall offered the following amendment:
FA140

Amend AM1371 on P. 1, line 9, strike "a minor" and insert "under the age of nineteen".

The Hall amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:
FA141

Amend AM1371 p. 1, line 14, strike "(male or female)"

The Hall amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:
FA142

Amend AM1371 p. 2, line 23 strike "The" and insert "If the biological mother is unable to name the biological father, the"

The Hall amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment:
FA143

Amend AM1371, p. 5, line 6, strike beginning with the first "or" through "party" in line 7.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Chambers
Crosby
Dierks
Hall
Jensen
Lindsay
McKenzie
Pedersen
Pirsch
Preister
Robak
Schimek
Will
Witek

Voting in the negative, 21:

Abboud
Avery
Bohlke
Bromm
Brown
Cudaback
Elmer
Engel
Fisher
Hudkins
Janssen
Kristensen
Matzke
Maurstad
Robinson
Schmitt
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 8:

Beutler
Coordsen
Day
Jones
Lynch
Schrock
Vrtiska
Withem

Absent and not voting, 1:

Bernard-Stevens

Excused and not voting, 5:

Brashear
Hartnett
Hillman
Landis
Schellpeper

The Hall amendment lost with 14 ayes, 21 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA144
Amend Committee Amendments
Add a new section:
"Notwithstanding any provisions in sections 43-101 to 43-117, any biological mother who has executed a relinquishment and consent to adopt shall have the right within ninety days of executing such relinquishment and consent, to revoke such relinquishment and consent."

Messrs. Wehrbein and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 68A, 178A, and 377A.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1587

(Amendments to Standing Committee amendments, AM0903)

1. Strike amendments 1 through 6 and all amendments thereto and insert the following new amendments:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. This act shall be known and may be cited as the County Revenue Assistance Act.

Sec. 2. The Legislature finds that:

(1) County property owners should be given some relief from the obligation of providing mandated indigent defense services which in most instances are required because of state laws establishing crimes and penalties;

(2) Property tax relief can be accomplished if the state begins to assist the counties with the obligation of providing indigent defense services required by state laws establishing crimes and penalties;

(3) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also increase accountability because the state, which is the governmental entity responsible for passing criminal statutes, will likewise be responsible for paying some of the costs;

(4) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also improve inconsistent and inadequate funding of indigent defense services by the counties;

(5) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also lessen the impact on county property taxpayers of the cost of the high profile death penalty case which can significantly affect the finances of the counties; and

(6) To accomplish property tax relief in the form of the state assisting the counties of Nebraska in providing for indigent defense services, the County Revenue Assistance Fund should be established to fund the operation of the Commission on Public Advocacy.

Sec. 3. The County Revenue Assistance Fund is created. The fund shall be used for the operations of the commission. The fund shall consist of money appropriated from the General Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. For purposes of the County Revenue Assistance Act:

(1) Chief counsel means an attorney appointed to be the primary administrative officer of the commission pursuant to section 10 of this act;

(2) Commission means the Commission on Public Advocacy;

(3) Contracting attorney means an attorney contracting to act as a public defender pursuant to sections 23-3404 to 23-3408;

(4) Court-appointed attorney means an attorney other than a contracting attorney or a public defender appointed by the court to represent an indigent person;

(5) Indigent defense services means legal services provided to indigent persons by an indigent defense system;

(6) Indigent defense system means a system of providing services, including any services necessary for litigating a case, by a contracting attorney, court-appointed attorney, or public defender;

(7) Indigent person means a person who is indigent and unable to obtain legal counsel as determined pursuant to rules of the Supreme Court; and

(8) Public defender shall mean an attorney appointed or elected pursuant to sections 23-3401 to 23-3403.

Sec. 5. The Commission on Public Advocacy is created. The commission shall provide legal services and resources to assist counties in fulfilling their obligation to provide for effective assistance of counsel for indigent persons.

Sec. 6. The commission shall consist of nine members appointed by the Governor from a list of attorneys submitted by the executive council of the Nebraska State Bar Association after consultation with the board of directors of the Nebraska Criminal Defense Attorneys Association. A member shall be appointed from each of the six Supreme Court judicial districts, and three members shall be appointed at large. The executive council of the Nebraska State Bar Association shall ensure that the selection process promotes appointees who are independent from partisan political influence. To be eligible for appointment, a person shall be a member of the Nebraska State Bar Association who has substantial experience in criminal defense work and, at the time of selection or at any time during the term of office, shall not be a prosecutor, law enforcement official, or judge. All members shall be committed to the principle of providing indigent defense services free from unwarranted judicial or political influence. Each member shall serve for a term of six years, except that three of the initial appointees shall serve terms of two years and three shall serve terms of four years as designated by the Governor. Members may be removed from the commission by the Governor for cause.

Sec. 7. The Governor shall designate one of the members of the commission as the chairperson. The members of the commission shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.

Sec. 8. Five members of the commission constitute a quorum for the transaction of business. The commission may act by a majority of the members present at any meeting at which a quorum is in attendance.

Sec. 9. The commission shall:

(1) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purpose;

(2) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(3) Plan improvements in the indigent defense systems and promote their implementation;

(4) Make or encourage studies of any aspect of indigent defense systems;

(5) Accept and administer loans, grants, and donations from the United States and its agencies, the State of Nebraska and its agencies, and other sources, public and private, for carrying out the functions of the commission;

(6) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under this section with agencies of state or local government, corporations, or persons;

(7) Acquire, hold, and dispose of personal property in the exercise of its powers;

(8) Oversee statewide data collection for the indigent defense systems in Nebraska on such topics as costs, caseload, use of resources, and workloads; and

(9) Provide legal services to indigent persons through the divisions in section 12 of this act.

Sec. 10. The commission shall appoint a chief counsel. The responsibilities and duties of the chief counsel shall be defined by the commission and shall include the overall supervision of the workings of the various divisions of the commission. The chief counsel shall be qualified for his or her position, shall have been licensed to practice law in the State of Nebraska for at least five years prior to the effective date of the appointment, and shall be experienced in the practice of criminal defense, including the defense of capital cases. The commission may remove the chief counsel only for just cause after a hearing if one is requested. The salary of the chief counsel shall be set by the commission.

Sec. 11. The chief counsel shall:

(1) Supervise the operations of the appellate division, the capital litigation division, and the major case resource center;

(2) Prepare a budget for the operations of the commission;

(3) Present to the commission an annual report on the operations of the commission, including an accounting of all funds received and disbursed, an evaluation of the cost-effectiveness of the commission, and recommendations for improvement;

(4) Allocate and disburse funds appropriated for the operations of the commission pursuant to guidelines established by the commission;

(5) Appear before and provide assistance to the Legislature and other relevant bodies regarding matters related to the indigent defense systems;

(6) Convene conferences and training seminars related to the various types of indigent defense systems;

(7) Perform other duties related to the administration of indigent defense systems as directed by the commission;

(8) Establish and administer projects and programs for the operation of the commission;

(9) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(10) Adopt and promulgate rules and regulations for the management and administration of policies of the commission and the conduct of employees of the commission;

(11) Collect, develop, and maintain statistical information, records, and reports which the commission determines are relevant to its functions;

(12) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;

(13) Execute and carry out all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons; and

(14) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 12. The following divisions are established within the commission:

(1) The capital litigation division shall be available to assist in the defense of capital cases in Nebraska, subject to

caseload standards of the commission;

(2) The appellate division shall be available to prosecute appeals to the Court of Appeals and the Supreme Court, subject to caseload standards of the commission; and

(3) The major case resource center shall be available to assist public defenders, contracting attorneys, or court-appointed attorneys with the defense of a felony offense, subject to caseload standards of the commission.'.

2. Strike the Kristensen amendment, AM1474.

3. Strike the Beutler amendment, FA129.".

Mrs. Robak asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM1428

1. Insert the following new section:

"Sec. 29. Section 9-625, Reissue Revised Statutes of Nebraska, is amended to read:

9-625. Any county, city, or village may establish and conduct a lottery if an election is first held pursuant to this section. Only one scheme or type of lottery may be conducted by a county, city, or village at one time. No county, city, or village shall establish and conduct a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called by the governing board of the county, city, or village for such purpose. This section shall not be construed to prohibit any county, city, or village from conducting a lottery if such course of action was approved prior to July 17, 1986, by a majority of the registered voters of such county, city, or village casting ballots on the issue.

Any lottery established pursuant to this section which is authorized by an election held on or after October 1, 1989, pursuant to this section that is not in operation for any four consecutive years shall no longer be authorized under this section. If the voters in a county, city, or village approve a lottery on or after October 1, 1989, pursuant to this section but the lottery does not actually begin operation within four years of the date that the results of the election are certified, the lottery shall no longer be authorized under this section. Any lottery no longer authorized under this section because it did not operate within the four-year period provided in this section may be reauthorized by a majority vote of the registered voters of the county, city, or village casting ballots on the issue at a subsequent election pursuant to this section.

Except for any restriction imposed pursuant to section 9-643, any county, city, or village may conduct a lottery only within the boundaries of such county, city, or village, or within a licensed racetrack enclosure abutting the corporate limits thereof, except that nothing in this section shall prohibit a county, city, or village from entering into an agreement pursuant to the Interlocal Cooperation Act to conduct a joint lottery with another county, city, or village which has established a lottery in accordance with this section.".

2. On page 83, line 22, strike "and 9-434" and insert "9-434, and 9-625".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 712. Mr. Bernard-Stevens offered the following amendment to the Chambers pending amendment:
FA145
Amend FA144
Strike 90 days and insert (14 days)

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 31:

Abboud
Avery
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hall
Hudkins
Janssen
Jensen
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schimek
Stuhr
Warner
Wesely
Wickersham
Will
Witek

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Bernard-Stevens
Lindsay
McKenzie
Robak
Schmitt
Schrock
Vrtiska
Withem

Excused and not voting, 9:

Brashear
Cudaback
Day
Hartnett
Hillman
Jones
Landis
Schellpeper
Wehrbein

The motion to cease debate prevailed with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Mr. Chambers requested a record vote on the Bernard-Stevens amendment.

Voting in the affirmative, 11:

Avery
Bernard-Stevens
Beutler
Chambers
Fisher
Landis
Lindsay
Robinson
Schimek
Will
Withem

Voting in the negative, 21:

Abboud
Bromm
Coordsen
Dierks
Elmer
Engel
Hall
Hudkins
Janssen
Jensen
Lynch
Matzke
Pedersen
Pirsch
Preister
Schrock
Stuhr
Warner
Wesely
Wickersham
Witek

Present and not voting, 9:

Bohlke
Brown
Crosby
Kristensen
Maurstad
McKenzie
Robak
Schmitt
Vrtiska

Excused and not voting, 8:

Brashear
Cudaback
Day
Hartnett
Hillman
Jones
Schellpeper
Wehrbein

The Bernard-Stevens amendment lost with 11 ayes, 21 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Landis and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Chambers pending amendment:
FA146
Amend Chambers Amendment.
Strike "ninety" and insert "thirty"

SPEAKER WITHEM PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Louisville; Jenni Halstead, Heather Hornung, Jessica Phillips, and Amy Conner from Arnold; Jim Davenport from Nevada; and Susan R. Meisinger from Washington D.C. and Peggy Storm from Lincoln.

ADJOURNMENT

At 4:30 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-FIRST DAY - APRIL 12, 1995

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 12, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Arin Hess, Community Bible Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Brashear, Hall, Kristensen, Landis, Lindsay, Pedersen, Schrock, Warner, Will, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 455. Considered.

Mrs. Crosby renewed her pending amendment, AM0805, found in the Journal on page 1003.

Mr. Bernard-Stevens offered the following amendment to the Crosby pending amendment:
FA147

1. to amend AM0805 to LB 455

Strike in Section 5 the entire 2nd paragraph starting with "By the terms of the act. . . ." to the end of the paragraph.

2. on page four line 4. Strike 1995 & insert 1996

Mr. Bernard-Stevens withdrew his amendment.

Mr. Bernard-Stevens offered the following amendment to the Crosby pending amendment:
FA148
Amend AM0805
page 1, line 7 strike after the word "Act." the rest of the line.
page 2, lines 7 and 8 strike in line 7 "prior to the implementation" thru "of the act" on line 8
page 4 line 4 strike "1995" & insert "1996"
page 1 strike lines 13-24

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bernard-Stevens amendment lost with 9 ayes, 18 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Crosby amendment lost with 5 ayes, 17 nays, 19 present and not voting, and 8 excused and not voting.

Messrs. Dierks, Lindsay, and Mrs. Crosby withdrew their amendment, AM1458, found in the Journal on page 1566.

Mr. Hall offered the following amendment:
AM1480

1. Insert the following new section:

"Sec. 11. It is the intent of the Legislature to ensure that Nebraskans have access to quality, affordable family planning and health screening services. It is the intent of the Legislature that $425,000 be appropriated to the Department of Health for the purpose of establishing, expanding, and enhancing family planning services.".

2. Renumber the remaining sections and correct internal references accordingly.

Pending.

UNANIMOUS CONSENT - Member Excused

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1617

1. Insert the following new section:

"Sec. 17. (1) The Legislature finds that (a) technology in delivering government assistance is rapidly changing, (b) such technology includes electronic benefit transfer systems, (c) major improvements have been made to electronic benefit transfer systems to lower costs and increase accountability, (d) such systems are being developed on the federal and nationwide levels, and (e) Nebraska should study and consider being a part of a national electronic benefit transfer system.

(2) The Governor shall appoint a task force consisting of one representative each of the Office of the Governor, the Department of Banking and Finance, the Department of Social Services, and the banking industry, two representatives of the electronic transfer system industry, and three representatives of the retail grocery industry. The chairpersons of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall also be members of the task force. The task force shall study and make recommendations for an electronic benefit transfer system to deliver the most economic distribution of public assistance benefits. The study and recommendations shall be presented to the Legislature on or before December 1, 1995.".

2. On page 10, line 3, after "Stamps" insert ", except that this waiver shall not be implemented until July 1, 1996".

3. Amend the operative date section so that section 17 added by this amendment becomes operative on its effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1618

1. Insert the following new section:

"Sec. 17. (1) The Legislature finds that (a) technology in delivering government assistance is rapidly changing, (b) such technology includes electronic benefit transfer systems, (c) major improvements have been made to electronic benefit transfer systems to lower costs and increase accountability, (d) such systems are being developed on the federal and nationwide levels, and (e) Nebraska should study and consider being a part of a national electronic benefit transfer system.

(2) The Governor shall appoint a task force consisting of one representative each of the Office of the Governor, the Department of Banking and Finance, the Department of Social Services, and the banking industry, two representatives of the electronic transfer system industry, and three representatives of the retail grocery industry. The chairpersons of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall also be members of the task force. The task force shall study and make recommendations for an electronic benefit transfer system to deliver the most economic method for distribution of public assistance benefits. The study and recommendations shall be presented to the Legislature on or before December 1, 1995.".

2. Amend the operative date section so that section 17 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1621

1. Insert the following new section:

"Sec. 17. Section 77-2715.07, Revised Statutes Supplement, 1994, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by ~~sections 77-2714 to 77-27,123~~ the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) ~~A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and~~

~~(c)~~ A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(3) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(4) There shall be allowed to any health care provider a nonrefundable credit equal to the amount of tax paid under the Health Care Provider Income Tax Act.

(5)(a) There shall be allowed to qualified resident individuals with federal adjusted gross incomes of greater than twenty-five thousand dollars a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended.

(b) There shall be allowed to qualified resident individuals with federal adjusted gross incomes of not more than twenty-five thousand dollars a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to one hundred percent of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal income tax liability.".

2. Amend the operative date and repealer provisions so that section 17 added by this amendment becomes operative for all taxable years beginning or deemed to begin on or after January 1, 1995, under the Internal Revenue Code of 1986, as amended.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Robinson asked unanimous consent to print the following amendment to LB 860 in the Journal. No objections. So ordered.

(Amendment, AM1576, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Introduce New Resolution

Mr. Warner renewed his pending motion, found in the Journal on page 1535, for the introduction of a new resolution proposing a constitutional amendment by the Revenue Committee, Req. CA0059, pursuant to Rule 5, Section 4(c)(2).

SPEAKER WITHEM PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Warner motion prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 93CA. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 5:

VIII-5 "(1) Beginning January 1, 2000:

(a) Ad valorem property taxes for the operation of primary and secondary educational systems shall not exceed one dollar per one hundred dollars of the actual market value of the taxable property subject to the levies;

(b) Ad valorem property taxes for the operation of counties shall not exceed thirty cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(c) Ad valorem property taxes for the operation of community colleges shall not exceed seven cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(d) Ad valorem property taxes for operation of natural resources districts shall not exceed three cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(e) Ad valorem property taxes for the operation of incorporated cities or villages shall not exceed fifty cents per one hundred dollars of the actual market value of the taxable property subject to the levy except that a city or village which is not part of a rural or suburban fire protection district or other entity created under the law of the state for purposes of fire protection may levy up to an additional ten cents per one hundred dollars of the actual market value of the property subject to the additional levy for fire services;

(f) Ad valorem property taxes for the operation of rural or suburban fire protection districts or other entities created under the law of the state for purposes of fire protection shall not exceed ten cents per one hundred dollars of the actual market value of the property subject to a levy;

(g) Ad valorem property taxes shall not be levied for purposes other than the purposes specified in this section; and

(h) Ad valorem property taxes for the operation of sanitary improvement districts organized under the laws of this state shall not exceed fifty cents per one hundred dollars of the actual market value of the property subject to the levy.

(2) Notwithstanding the provisions of subsection (1) of this section, bonded indebtedness secured by any levy against taxable property validly assessed prior to January 1, 2000, shall continue to be assessed on property according to the terms of the bonds. Bonded indebtedness approved by a vote of the people and secured by a levy on property shall not be included within the limitations in subdivisions (1)(a) through (g) of this section. Bonded indebtedness approved according to law and secured by a levy on property shall not be included within the limitations in subdivision (1)(h) of this section. ~~County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to establish ad valorem property tax limitations for political subdivisions of the state to replace a limitation on tax assessments by counties.
For
Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1622

1. Insert the following new sections:

"Sec. 19. Each school district shall post and leave posted throughout the year in a prominent location, available to all students in grades seven through twelve, a toll-free telephone number to the Department of Health for the exclusive purpose of providing information explaining the provisions of section 71-6902 with regard to the requirements for parental notification as a condition for obtaining an abortion. The information shall also explain the provisions of sections 71-6903 and 71-6904 with regard to seeking a judicial waiver of the parental notification requirements. The provisions of this section shall be narrowly construed to authorize and require the department to provide only the information specified in this section. The provisions of this section do not authorize the department to provide specific information regarding how students may implement the judicial bypass provisions of section 71-6903.

The Director of Health in conjunction with the Commissioner of Education shall develop and approve the information to be provided. The Department of Health shall establish a statewide toll-free number in order to comply with this section.

Sec. 20. The Department of Health, in consultation with the Commissioner of Education or his or her representative, shall plan, develop, and make available a pilot program for boys and girls twelve to fourteen years of age to reduce crisis teen pregnancy. The pilot program shall educate and support young people in the decision to postpone sexual activity. The Department of Health shall coordinate efforts with the local community organizations and agencies, nonprofit organizations, churches, school districts, and hospitals and explore different settings in which to educate teens, including, but not limited to, schools, community centers, churches, the Young Men's Christian Association, the Young Women's Christian Association, and summer camps. The department shall review other federal and private sources of funding and shall apply for other funds if the department meets the criteria of the funding source.

Sec. 21. The Department of Health shall implement a crisis teen pregnancy prevention pilot program in the county or counties in which the Welfare Reform Act was first implemented. The department shall disburse grant money and select local schools and organizations which apply for participation in the pilot program. Local organizations that offer or are active in similar educational programs, including, but not limited to, Planned Approach to Community Health, Comprehensive Health Education Team Training, and Toward a Drug Free Nebraska, are encouraged to apply for the grant.

Sec. 22. (1) The pilot program to reduce crisis teen pregnancy shall include:

(a) A teen education component with a curriculum focusing on postponing sexual activity for boys and girls twelve to fourteen years of age which is provided in schools and community settings. The pilot program will involve community organizations, promote family involvement, and establish local media contacts to encourage and support young people in postponing sexual activity; and

(b) A family education component to provide families with an opportunity to learn ways to reinforce their children's learning experiences regarding postponing sexual activity.

(2) The pilot program to reduce crisis teen pregnancy may include a teen leader component using teen leaders, slightly older

than those in the pilot program, to teach young teens how to postpone sexual activity. Teen leaders shall always be accompanied by adult leaders.

Sec. 23. The Department of Health shall develop a media plan and public relations plan focusing on reducing crisis teen pregnancy and shall research alternative sources of funding for such plan, including, but not limited to, private and federal sources of funding. When developing the media and public relations plan, culturally diverse populations of the state shall be considered to maximize the effectiveness of the plan. The goals of the media and public relations plan are to:

(1) Inform the public that the teen and family education components which promote postponing sexual activity are available;

(2) Raise awareness among Nebraskans of the economic and health consequences of crisis teen pregnancy;

(3) Encourage young Nebraskans, especially teens, to access local educational programs to better learn and practice skills needed to postpone sexual activity and prevent crisis teenage pregnancy;

(4) Promote community awareness and increase participation in addressing the problems related to crisis teenage pregnancy;

(5) Provide support to local educational programs to promote crisis teenage pregnancy prevention; and

(6) Contribute to a supportive environment for young teens who are resisting pressures toward sexual activity.

Sec. 24. The Department of Health shall use for an evaluation component which evaluates the process and the impact of the pilot program and may contract for the evaluation component. The evaluation program shall measure all facets of the program, including the media and public relations plan, the teen education component curriculum, and the family education component. The department may contract with another agency or organization to provide comprehensive training to the staff of the pilot program, including:

(1) The teen and family education components;

(2) Community organization strategies; and

(3) Ways to use the media and public relations plan to support the pilot program.

Sec. 25. It is the intent of the Legislature that an appropriation for fiscal year 1995-96 be made for planning and development of the crisis teen pregnancy pilot program. The pilot program shall be ready for implementation on or before September 1, 1996. The Department of Health shall report to the Legislature on or before December 1, 1996, information regarding the estimated appropriation needed to make the program available statewide.".

2. On page 16, line 18, strike "and 68-1735" and insert "68-1735, and 71-6909".

3. Amend the operative date provision so that the

sections added by this amendment become operative on their effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

Messrs. Lindsay and Dierks asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA149

Amend AM1480

1. In line 7, after "services" insert ", provided that no state funds shall be provided to any person or entity which provides abortion services"

MESSAGE FROM THE GOVERNOR

April 12, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 508, 668, 175, 179, 274, 461, 112, and 154 were received in my office on April 7, 1995.

These bills were signed by me on April 12, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

VISITORS

Visitors to the Chamber were William Pearson from rural Ceresco; 24 third and fourth grade students and teacher from Diller Community School, Diller; five students and teacher from Stapleton; three students and teacher from Sidney High School; 41 fourth grade students and teacher from Meadows Elementary, Omaha; 20 first grade students and sponsors from Belmont Elementary, Lincoln; and a group from the Nebraska Pork Producers.

RECESS

At 11:53 a.m., on a motion by Mr. Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Bernard-Stevens, Beutler, Chambers, Coordsen, Elmer, Jensen, Kristensen, Lynch, Matzke, Pedersen, Schmitt, Warner, Mmes. Bohlke, and Brown who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 469 in the Journal. No objections. So ordered.

AM0943

(Amendments to Standing Committee amendments, AM0510)

1. Strike sections 1 and 2.

2. On page 5, strike beginning with the semicolon in line 6 through the second quotation marks in line 7.

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 837. E & R amendment, AM7059, found in the Journal on page 1111, was adopted.

Mr. Wesely withdrew his amendment, AM1119, found in the Journal on page 1231.

Messrs. Will and Brashear withdrew their amendment, AM1361, found in the Journal on page 1405.

Mr. Lindsay withdrew his amendment, AM1207, found in the Journal on page 1475.

Mr. Wesely renewed his pending amendment, AM1451, found in the Journal on page 1503.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Wesely amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1452, found in the Journal on page 1505.

Mr. Wesely withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 406. E & R amendment, AM7056, printed separately from the Journal and referred to on page 1121, was adopted.

Mrs. Bohlke withdrew her amendment, AM0909, found in the Journal on page 1476.

Messrs. Fisher, Bromm, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1118, printed separately from the Journal and referred to on page 1250.

Mr. Wesely renewed his pending amendment, AM1190, found in the Journal on page 1371, to the Wesely pending amendment.

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke withdrew her amendment, FA113, found in the Journal on page 1477.

Mrs. Bohlke renewed her pending amendment, AM1460, found in the Journal on page 1503, to the Wesely pending amendment.

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Wesely requested a roll call vote, in reverse order, on the Bohlke amendment.

Voting in the affirmative, 25:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Crosby
Cudaback
Elmer
Engel
Fisher
Hudkins
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 9:

Beutler
Dierks
Hall
Hartnett
Janssen
Jensen
Wesely
Will
Witek

Present and not voting, 11:

Bromm
Brown
Chambers
Day
Preister
Robak
Schimek
Schmitt
Stuhr
Vrtiska
Withem

Excused and not voting, 4:

Coordsen
Hillman
Jones
Landis

The Bohlke amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Wesely pending amendment, AM1118, as amended, was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Messrs. Wehrbein and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks renewed his pending amendment, AM1122, printed separately from the Journal and referred to on page 1250.

Mr. Bernard-Stevens requested a ruling of the Chair on whether the Dierks amendment is germane to the bill.

The Chair ruled the Dierks amendment is not germane to the bill.

Mr. Wickersham offered the following amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM1345.)

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Hall and Wesely renewed their pending amendment, AM1228, printed separately from the Journal and referred to on page 1386.

The Hall-Wesely amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1346, printed separately from the Journal and referred to on page 1444.

Mr. Bernard-Stevens requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. Wesely challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Wesely withdrew his motion to overrule the Chair.

Mr. Will moved to suspend the rules, Rule 7, Section 3(d) to allow consideration of AM1346.

Mr. Will moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Will motion to suspend the rules prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Wesely pending amendment, AM1346, was renewed.

The Wesely amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Hall offered the following amendment:
AM1633

(Amendments to E & R amendments, AM7056)

1. On page 39, line 4, strike "A" and insert "If a project designer or project monitor is selected by the structure's owner or operator for an asbestos project, the".

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Hall amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Dierks offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1642.)

The Dierks amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 406A. Mr. Wesely offered the following amendment:
AM1432

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $285,311 from the Department of Health Cash Fund for FY1995-96 and (2) $281,686 from the Department of Health Cash Fund for FY1996-97 to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $19,730 for FY1995-96 or $20,420 for FY1996-97.

The appropriation for FY1995-96 to the Department of Health, for Program 177, shall be reduced by $35,000 General Funds. The appropriation for FY1996-97 to the Department of Health, for Program 177, shall be reduced by $40,000 General Funds.

Sec. 2. There is hereby appropriated (1) $8,000 from the General Fund for FY1995-96 and (2) $44,500 from the General Fund for FY1996-97 to the Department on Aging, for Program 57, to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $27,616 for FY1996-97.

Sec. 3. There is hereby appropriated (1) $93,750 from the General Fund for FY1995-96 and (2) $187,500 from the General Fund for FY1996-97 to the Department on Aging, for Program 559, to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The appropriation for FY1995-96 to the Department of Social Services, for Program 348, shall be reduced by $65,073 General Funds and $23,023 federal funds. The appropriation for FY1996-97 to the Department of Social Services, for Program 348, shall be reduced by $131,146 General Funds and $46,040 federal funds.

Sec. 4. There is hereby appropriated (1) $25,000 from the Corporation Cash Fund for FY1995-96 and (2) $5,000 from the Corporation Cash Fund for FY1996-97 to the Secretary of State, for Program 51, to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. There is hereby appropriated (1) $22,987 from the Bureau of Examining Boards' Cash Fund for FY1995-96 to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 93CA.

LR	**Committee**
93CA	Revenue

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Revenue

LR 93CA Monday, May 1, 1995 1:00 p.m.

(Signed) Jerome Warner, Chairperson

Business and Labor

Governor Appointments Wednesday, April 26, 1995 12:00 noon
Nebraska State Boiler Safety Advisory Board
Jerome Thompson
Glen E. Tubbs
Thomas J. Hix
John J. Campbell

(Signed) Chris Abboud, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95027

DATE:	April 11, 1995
SUBJECT:	LB 519; Can the Legislature Void a Contingent Fee Contract Previously Entered Into by a State Agency?
REQUESTED BY:	Senator Roger R. Wehrbein Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

On August 12, 1994, the Nebraska Department of Social Services (the "Department") entered into a contract with an entity called Maximus which provides that Maximus is to assist the Department in increasing the federal revenues obtained by the state in connection with programs administered by the Department where federal funds are available. In return for this assistance in obtaining additional funding, the contract provides that Maximus is to receive a set percentage of the total net increase in federal funds secured by the state over a two-year period as defined in the contract. You have posed two questions to us in connection with this contract between the state and Maximus.

1. Authority of the Department to contract with Maximus.

You first ask, "{d}oes the Department of Social Services have the authority to enter into such a contract such that the contract is binding on the state of Nebraska?" We must respectfully decline to provide on opinion to you on this question for the reasons discussed below.

On February 17, 1995, Matt Butler filed an Application in the Nebraska Supreme Court asking for leave to file an original action in that Court which would test the constitutionality of the Maximus contract at issue. The named defendants in that Application included Governor Nelson, State Treasurer Heineman, and Mary Dean Harvey, Director of the Department of Social Services. It is our understanding that Mr. Butler's Application for leave to file an original action was denied by the Supreme Court on February 23, 1995. Nevertheless, Mr. Butler could still proceed with his action to test the constitutionality of the contract in district court, in which case we would be called upon to defend the state constitutional officers involved and the contract. Since it appears that litigation may be imminent with respect to this contract, we must decline to issue the opinion you requested in keeping with our general policy which is to decline to offer opinions on matters involved in pending litigation.

In addition, in our Op. Att'y Gen. No. 157 (December 24, 1985) to Senator Beutler, we noted that state officers are generally entitled to our advice upon questions of law which arise "in the discharge of their duties." Fullmer v. State, 94 Neb. 217, 142 N.W. 908 (1913). In keeping with that rule, we stated that our policy is to provide opinions to state legislators for valid legislative purposes only, which normally include the passage, alteration, or repeal of state statutes. In the present instance, your question concerning the Department's authority to enter into the Maximus contract is not tied to any specific legislative bill pending before the current session of the Legislature, nor have you stated any other legislative purpose for your inquiry. Therefore, we must respectfully decline to provide the opinion which you have requested concerning the Department's authority for the Maximus contract.

2. Authority of the Legislature to void the Maximus contract.

Your second question involves LB 519 and the Maximus contract. That bill states, in its entirety:

> Sec. 1. The Legislature finds that contingent fee contracts which provide for the payment of millions of dollars in fees by the state should be subject to legislative review and public scrutiny before being executed by a state agency on behalf of the state. Therefore, any contract between a state agency and another party which purports to obligate the state to pay contingent fees based upon the net increase in federal financial participation revenue obtained through the actions of the other party is void. This section applies to contracts executed prior to, on, or after the effective date of this act.
>
> Sec 2. Since an emergency exists, this act takes effect when passed and approved according to law.

You wish to know, "{i}f the Department of Social Services has the authority to enter into such a contingency contract and this {Maximus} contract is binding on the state, then can the legislature pass subsequent legislation that invalidates this contingency contract as embodied in LB 519?" For the reasons discussed at length below, we believe that there are constitutional difficulties with legislation such as LB 519 which would invalidate or void existing contracts with the state.

For purposes of your question involving the Maximus contract and LB 519, we assume that the Department has the necessary authority to enter into the contract, and that the contract is binding upon the state. Under those circumstances, contracts to which a state is a party are within the constitutional prohibitions against the impairment of the obligations of contracts. U.S. Const. art. I, § 10, cl. 1; Neb. Const. art. I, § 16; 16A C.J.S. Constitutional Law § 287. As stated by the Nebraska Supreme Court in Todd v. Board of Educational Lands and Funds, 154 Neb. 606, 48 N.W.2d 706 (1951):

> {The state}, by entering into a contract, abandons its attributes of sovereignty and binds itself, to the extent of its power to contract, substantially as an individual does when he makes a contract. The state may not impair any of the substantial rights secured by its contract to a citizen with whom it contracts. * * *
>
> A lease made in compliance with the direction and permission of the Legislature between the state and the lessee is a contract and is property. The rights resulting from the contract vest on its execution and delivery. The state may not subsequently by legislation deprive the lessee of any substantial right secured to him by the lease. Constitutional guarantees and prohibitions safeguard it. These include the mandate that no state shall deprive any person of property without due process of law; no state shall enact any law impairing the obligations of a contract; and the property of no person shall be taken or damaged for public use without compensation.

Id. at 610, 611, 48 N.W.2d at 710. Therefore, the obvious question presented by LB 519 and its provisions which would void an existing contract is whether that bill, if passed, would unconstitutionally impair the obligations of a contract with the state. We believe that it is likely that a court would conclude that such an impairment does exist.

In Halpin v. Nebraska State Patrolmen's Retirement System, 211 Neb. 892, 320 N.W.2d 910 (1982), the Nebraska Supreme Court set out the considerations which must be taken in account with respect to legislation which might impair a state's own obligations:

> "Where . . . it is claimed that the contract clause prohibits a state's statutory modification of its own obligations, the court must determine whether contractual obligations within the purview of the contract clause exist; if so, whether the state legislation under attack impaired those obligations; and if there is an impairment of contract, whether it is forbidden by the Constitution."

Id. at 896, 897, 320 N.W.2d at 913 (quoting Pineman v. Oechslin, 494 F.Supp. 525, 538 (D. Conn. 1980)). A similar analysis is necessary with respect to LB 519.

With regard to the initial determination required in the Halpin case, the court in that instance engaged in a detailed analysis of state patrol pension provisions to determine if those provisions created contractual obligations and rights which were enforceable on behalf of the state patrol officer who was the plaintiff. In the present instance, no such analysis is necessary. A contract currently exists between the Department and Maximus which imposes obligations upon both of those parties and which would be voided if LB 519 is enacted. We believe that this contract comes within the purview of the Contract Clause for the reasons stated in the Todd case cited above.

The next consideration with respect to LB 519 involves a determination as to whether that bill would impair the obligations contained in the Maximus agreement.

At first glance, it seems obvious that legislation which would void a particular contract would impair the obligations of that contract. However, there are a number of cases which indicate that impairment of a contract's obligations and breach of that contract may be distinguished, and that a state may breach its contract or refuse to perform it without impairing its obligations under that contract.[1] Hays v. Port of Seattle, 251 U.S. 233 (1920); Brown v. State of Colorado, 106 U.S. 95 (1882); Grantham v. City of Chadron, 20 F.2d 40 (8th Cir. 1927), McDougal v. Racine County, 156 Wis. 663, 146 N.W. 794 (1914). The damaged party's remedy in such an instance is a suit for damages, and the theory is that the obligation of the state still exists, it simply has been repudiated, and that repudiation forms the basis for damages. As the United States Supreme Court stated in the Hays case, which involved a contract for work on the port of Seattle:

> . . . it is important to note the distinction between a statute that has the effect of violating or repudiating a contract previously made by the state and one that impairs its obligation. Had the Legislature of Washington, pending performance or after complete performance by complainant, passed an act to alter materially the scope of his contract, to diminish his compensation, or to defeat his lien upon the filled lands, there would no doubt have been an attempted impairment of the obligation. The legislation in question had no such purpose or effect. It simply . . . provided that the project should be abandoned and title to the public lands turned over to the municipality. * * * {the municipality's} obligation remained as before, and formed the measure of {the complainant's} right to recover from the state for damages sustained.

251 U.S. at 237. These cases, therefore, seem to indicate that legislation requiring a breach or abandonment of the Maximus contract would not violate the Contract Clause, in part because, in such an instance, the state would still have an obligation under the contract which could form the basis for a suit against the state for damages. However, LB 519 goes beyond requiring a breach of the contract with Maximus, and provides that the Maximus contract and others like it shall be void. A void contract generally is of no force or effect and incapable of being enforced by law. Black's Law Dictionary 1411 (5th ed. 1979). Consequently, a further issue remains concerning LB 519 and the Contract Clause. That issue involves the basis for the differentiation between breach and impairment discussed above.

In Ogden v.Saunders, 25 U.S. 213 (1827), the United States Supreme Court stated:

> {T}he error of those who controvert the constitutionality of the bankrupt law under consideration . . . has arisen from not distinguishing accurately between a law which impairs a contract, and one which impairs its obligation. A contract is defined by all to be an agreement to do, or not to do, some particular act; . . . . Any

> law, then, which enlarges, abridges, or in any manner changes, this {agreement} . . . necessarily impairs the contract . . . . * * *
>
> It is a law which impairs the obligation of contracts, and not the contracts themselves, which is interdicted {by the Contract Clause}. * * * What is it, then, which constitutes the obligation of a contract? * * * {I}t is the law which binds the parties to perform their agreement. The law, then which has this binding obligation, must govern and control the contract, in every shape in which it is intended to bear upon it, whether it affects its validity, construction or discharge.

Id. at 256, 257. This distinction between impairment of the contract and impairment of the obligation of the contract was further described by the Supreme Court of Oregon as follows:

> The distinction has an analogy in private contract law in the distinction between a failure or refusal to perform according to the terms of a contract and an assertion of the invalidity or nonexistence of the contract terms under which that performance is specified. A failure or refusal to perform a contract is not inconsistent with recognition of the contract's validity. * * *
>
> Ogden v. Saunders, supra, established that the obligation of a contract was to be understood as the legal duties imposed upon the contracting parties by the operation of law upon the contract. Ordinarily, parties to a contract are not obliged to perform the contract according to its terms; in lieu of performance, the breaching party may compensate the nonbreaching party for the failure to perform as directed by the contract. "{I}t has been said, that the obligation of a contract consists in the power and efficacy of the law, which applies to, and enforces performance of it, or an equivalent for non-performance."

Eckles v. State of Oregon, ___ Or. ___, 760 P.2d 846, 859 (1988) (citations omitted).[2] As a result, the Contract Clause does not prevent the Legislature from enacting legislation which would require abandonment or other impairment of the Maximus contract, so long as the underlying obligation upon the state remains, and so long as a cause of action against the state remains for damages. On the other hand, legislation such as LB 519 which would void the state's underlying obligation under the Maximus contract, presumably along with any cause of action against the state for breach of contract, would impair the state's contractual obligations under the Contract Clause in both the federal and state constitutions. This situation involving LB 519, therefore, meets the second portion of the Halpin test set out above.

The final portion of the Halpin test involves a determination as to whether the particular impairment of contractual obligations in question is forbidden by the Constitution. Certain impairments may pass constitutional muster if they are both reasonable and necessary to serve an important public purpose. Halpin at 901, 320 N.W.2d at 915. However, meeting this important public purpose test is no easy task, and the legislation in question must involve a vital interest of the state. Halpin at 901, 320 N.W.2d at 915. As the Court noted,

> . . . the application of the tests of necessity and reasonableness requires a much greater degree of judicial scrutiny in cases, such as this one, involving {state action} which purports to abrogate a state's own financial obligation than in cases involving an impairment by the state of purely private contracts.

Halpin at 901, 320 N.W.2d at 915.

Given the stringent standard set out in the Halpin case involving the state's own obligations, we believe that a court would have some difficulty in finding that the impairment of contractual obligations occasioned by LB 519 involves a vital interest of the state. Since we must assume that the Department has the authority to enter into the Maximus contract, we must also assume that the Legislature, at some point, saw fit to give the Department that authority. Moreover, the brief provisions of LB 519 do not provide much indication as to what vital interests of the state would be furthered by voiding the Maximus contract at this date, and LB 519 clearly does not involve an exercise of the state's police power, an exercise of the power of eminent domain or any of the other reasons traditionally offered as justifications for the state's impairment of contractual obligations. Energy Reserves Group v. Kansas Power & Light, 459 U.S. 400 (1983); Home Bldg. & Loan Ass'n. v. Blaisdell, 290 U.S. 398 (1934); West River Bridge Co. v. Dix, 47 U.S. 507 (1848). As a result, it appears to us that the impairment of contractual obligations brought about by LB 519 would be forbidden by the Constitution. That bill, therefore, is improper under the criteria established in the Halpin decision.

In sum, we do not believe, for the reasons discussed above, that the Legislature may constitutionally void the existing Maximus contract through passage of LB 519. We would note, however, that our conclusions in that regard apply only to those portions of LB 519 which would void existing contracts with the state. The Legislature, if it chooses, may constitutionally provide that contracts of the nature of those proscribed by LB 519 are void if entered into on or after the effective date of the legislation in question.

[1] Both the federal and state constitutional provisions at issue prohibit the Legislature from passing laws which would impair "the obligation of contracts."

[2] The Eckles case involved the constitutionality of an Oregon statute under the Contract Clause of the Oregon Constitution. That provision is almost identical to art. I, § 16 of the Nebraska Constitution, and prohibits laws which would impair the obligation of contracts.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

05-31-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 718. E & R amendment, AM7062, found in the Journal on page 1122, was adopted.

Messrs. Cudaback, Hartnett, Will, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks withdrew his amendment, AM1147, found in the Journal on page 1253.

Mr. Dierks renewed his pending amendment, AM1222, found in the Journal on page 1367.

MR. BERNARD-STEVENS PRESIDING

The Dierks amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

AM1609

1. Insert the following new sections:

"Sec. 14. The person filing an appeal with the commission shall pay a filing fee of twenty-five dollars. The commission shall remit the filing fees collected to the State Treasurer for credit to the General Fund.

Sec. 21. The commission, subject to proper rules and regulations to be published and furnished to every assessing official, shall have the power to invalidate the certificate of any county assessor or deputy assessor who willfully fails or refuses to comply with any order of the commission. No certificate shall be revoked or suspended except upon a proper hearing before the commission.

After due notice, if the county assessor certificate of a person serving as county assessor or deputy assessor is revoked, such person shall be removed from office, the office declared vacant, and such person shall not be eligible to hold that office for a period of five years from the date of removal. Any county assessor or deputy assessor whose certificate has been so revoked may appeal the decision to the Court of Appeals, and the appeal shall be in accordance with section 21 of this act.".

2. In the E & R amendments, AM7080, on page 7, after line 17 insert the following new paragraph:

"A commissioner may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless notice and hearing is expressly waived in writing by the commissioner.".

3. In the Standing Committee amendments, AM0904, on page 1, line 11, before the period insert "if no other relief is adequate to resolve the dispute and the relief is not excessive compared to the problems to be addressed".

4. On page 11, line 9, before "Every" and insert "The commission may issue decisions and orders which are supported by the evidence and appropriate for resolving the matters in dispute.".

5. On page 75, line 14, strike "and may only be removed for cause" and insert ". The Property Tax Administrator may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless notice and hearing is expressly waived in writing by the Property Tax Administrator".

6. Renumber the remaining sections and correct internal references accordingly.

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

AM1647

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any municipality which intends to provide or expand municipal solid waste collection service in an area where the collection of solid waste has been provided by a private entity for a minimum of ninety days shall proclaim its intent to begin municipal solid waste collection in the area, whether by the use of municipal employees and equipment or by contract. The proclamation shall be made by a vote of the governing body at a public meeting.

Sec. 2. A municipality shall not commence municipal solid waste collection in an area described in section 1 of this act for one year after the date of the proclamation of intent to serve the area unless (1) the municipality contracts with the private entity currently providing the service to continue the service or the same one-year period of time, (2) the municipality provides for the service through property taxes or other general funds in whole or part, or (3) the private entity currently providing service discontinues the service to the area.

Sec. 3. A private entity providing solid waste collection services to a municipality pursuant to subdivision (1) of section 2 of this act shall provide such services under the same terms and conditions which the municipality provides to residents of the municipality through the municipal solid waste collection service.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 696 in the Journal. No objections. So ordered.

(Amendment, AM1628, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Hall asked unanimous consent to print the following amendment to LB 589 in the Journal. No objections. So ordered.

AM0871

1. Insert the following new sections:

"Section 1. Section 49-209, Revised Statutes Supplement, 1994, is amended to read:

49-209. The form of the ballots prepared in conformity with sections ~~49-202.01,~~ 49-207~~,~~ and 49-208 shall be furnished the county clerks and election commissioners of the several counties of this state at least fifty days before the election at which such proposition or amendments are to be voted upon.

Sec. 2. Original section 49-209, Revised Statutes Supplement, 1994, is repealed.

Sec. 3. The following section is outright repealed: Section 49-202.01, Revised Statutes Supplement, 1994.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

VISITORS

Visitors to the Chamber were Danny and Jane Smith from Omaha; 40 fourth grade students and sponsor from Mockingbird Elementary, Omaha; five seniors and teacher from Fairmont; Natalie Shelbourn, Herb Knuttson, Dave Christensen, and Tom Plummer from Keith County Economic Development; and 25 fourth grade students and teacher from Watson.

The Doctor of the Day was Pat Hotovy from York.

ADJOURNMENT

At 4:45 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume 2

NINETY-FOURTH LEGISLATURE
FIRST SESSION

1995

Convened January 4, 1995 **Adjourned June 8, 1995**

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

printed on recycled paper

SIXTY-SECOND DAY - APRIL 13, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 13, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Robert Loffer, Northeast United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Jones who were excused; and Messrs. Bromm, Hall, Kristensen, Lindsay, Lynch, Warner, Will, Mmes. Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1638

1. Insert the following new sections:

Sec. 19. Any licensed adoption agency which certifies by affidavit filed with the Department of Social Services that it has prospective customers in the top tenth percentile income bracket who desire to adopt a newborn child shall make written application at the time of filing its affidavit to obtain the newborn child of any unmarried woman (1) having less than a twelfth-grade education, (2) whose income is below the poverty level established by the federal government, or (3) whose intelligence quotient is no higher than seventy-two. The department shall file copies of all affidavits and applications with each hospital and health care provider in this state who may tend or provide care or services to a pregnant woman.

Sec. 20. The newborn child of a mother described in section 19 of this act shall be handed over to the adoption agency whose affidavit and application appear highest on the list of adoption agencies maintained by the department, a copy of which has been provided to the hospital or health care provider.

Sec. 21. Should a multiple birth occur, the mother may be permitted to keep one of her babies unless, in the sole discretion of the department, all of the babies should be taken. Whenever a multiple birth is indicated, the hospital or health care provider shall immediately notify the department in writing. When making a determination of whether the mother shall be permitted to keep one child, the best interests of the adoption agencies and their prospective customers shall be given consideration by the department.

Sec. 22. All parental rights of any mother described in sections 19 to 28 of this act shall be terminated permanently and irrevocably by operation of law.

Sec. 23. In the event that no customer of the adoption agency whose application is being processed desires to adopt the child under consideration, such child shall be passed down to the next agency on the list of the Department of Social Services and such process shall be continued until an agreement is reached for placement of the child. If no agreement for placement is reached by any agency on the department's list, the child shall become a ward of the state and shall be dealt with in the same manner as other wards.

Sec. 24. For purposes of sections 19 to 28 of this act, newborn applies to the first thirty days following the birth of a child. Such period permits prospective customers to evaluate the child to determine whether the child is suitable for their purposes and to allow other agencies on the list of the Department of Social Services to attempt to consummate a placement if circumstances warrant.

Sec. 25. Any hospital or health care provider who hands over a newborn child to any adoption agency pursuant to these provisions shall inform the mother of such child that her baby was stillborn and that its body was disposed of in accordance with the rules and procedures of the hospital or health care provider.

Sec. 26. No hospital or health care provider who substantially complies with these provisions shall have any liability civil or criminal for any acts or omissions.

Sec. 27. No court shall have jurisdiction to review or hear any case or matter whatsoever involving agreements or activities undertaken or performed by any person or agency authorized or empowered to act pursuant to sections 19 to 28 of this act.

Sec. 28. The Department of Social Services shall adopt rules and regulations for determining the intelligence quotient of pregnant women affected by sections 19 to 28 of this act.".

2. Amend the operative date provision so that sections 19 to 28 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

COMMUNICATION

Received a copy of House Joint Resolution 3 from the State of Utah urging the federal government to acknowledge the sovereignty of the state under the 10th Amendment of the United States Constitution and to cease the imposition of mandates on the state that are beyond the scope of its authority.

REPORT

The following report was received by the Legislature:

Energy Office, Nebraska
Quarterly Report, Natural Gas Regulation Revolving Loan Fund as required by Section 010 of the regulations for the Municipal Natural Gas Regulation Act (Sec. 19-4617, R.R.S. 1943) for quarter ending March 31, 1995

RESOLUTIONS

LEGISLATIVE RESOLUTION 88. Read. Considered.

LEGISLATIVE RESOLUTION 91. Read. Considered.

LEGISLATIVE RESOLUTION 92. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 88, 91, and 92 were adopted with 24 ayes, 0 nays, and 25 not voting.

SELECT FILE

LEGISLATIVE BILL 542. Mr. Beutler withdrew his amendment, FA132, found in the Journal on page 1560.

Mrs. Bohlke withdrew her amendment, AM1526, found in the Journal on page 1558.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 609. E & R amendment, AM7094, found in the Journal on page 1517, was adopted.

Mr. Wesely offered the following amendment:
AM1644

1. Insert the following new section:

"Sec. 10. Section 3-144, Reissue Revised Statutes of Nebraska, is amended to read:

3-144. ~~It~~ The department may exercise the right of eminent domain, in the name of the state, for the purpose of acquiring any property which it is herein authorized to acquire by condemnation. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724. The fact that the property so needed has been acquired by the owner under power of eminent domain shall not prevent its acquisition by such department by the exercise of the right of eminent domain herein conferred. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. Nothing in the State Aeronautics Department Act shall be construed as granting to privately owned public-use airports the authority to exercise the power of eminent domain nor shall anything in the State Aeronautics Department Act be construed as granting to the department or any municipality the authority to exercise the right of eminent domain for the purpose of acquiring lands or easements for the sole use or benefit of privately owned public-use airports.".

2. On page 13, line 4, after "3-143," insert "3-144,".

3. Renumber the remaining sections.

The Wesely amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 447. Mr. Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Avery
Bernard-Stevens
Brown
Coordsen
Crosby
Day
Dierks
Engel
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Wehrbein
Withem

Voting in the negative, 4:

Beutler
Landis
Warner
Wesely

Present and not voting, 13:

Abboud
Bohlke
Brashear
Chambers
Cudaback
Elmer
Hall
Jensen
Preister
Schrock
Vrtiska
Wickersham
Witek

Excused and not voting, 7:

Bromm
Hillman
Jones
Lindsay
Lynch
Robak
Will

Advanced to E & R for engrossment with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 563. E & R amendment, AM7096, found in the Journal on page 1523, was adopted.

Ms. Day offered the following amendment:
AM1511

1. Insert the following new section:

"Sec. 45. Section 71-2601, Revised Statutes Supplement, 1994, is amended to read:

71-2601. The State Board of Health shall consist of ~~sixteen~~ seventeen members to be appointed by the Governor with the consent of a majority of the members of the Legislature. Two members shall be licensed to practice medicine and surgery in this state, one member shall be licensed to practice dentistry in this state, one member shall be licensed to practice optometry in this state, one member shall be licensed to practice veterinary medicine in this state, one member shall be licensed to practice pharmacy in this state, ~~one member~~ two members shall be licensed to practice nursing in this state, one member shall be licensed to practice osteopathic medicine and surgery or as an osteopathic physician in this state, one member shall be licensed to practice podiatry in this state, one member shall be licensed to practice chiropractic in this state, one member shall be licensed to practice physical therapy in this state, one member shall be a registered professional engineer in this state, one member shall be an administrator of a hospital in this state which is licensed pursuant to sections 71-2017 to 71-2029, one member shall be a credentialed mental health professional, and two members shall be laypersons who at all times are public-spirited citizens of Nebraska interested in the health of the people of the State of Nebraska and not less than twenty-one years of age. The Governor shall also be an ex officio member of such board but shall be permitted to vote on matters before ~~such~~ the board only when necessary to break a tie.".

2. On page 13, line 20, after "nurse" insert "means the assumption of responsibilities and accountability for".

3. On page 14, line 1, strike "means the practice of a directed scope of"; in line 3 after the period insert "A licensed practical nurse may function at the direction of a licensed practitioner or a registered nurse."; in line 4 strike "standardized"; in line 17 strike "supervising" and insert "directing"; and strike beginning with the period in line 18 through "professional" in line 19.

4. On page 15, strike beginning with the first "or" in line 5 through "period" in line 6.

5. On page 16, strike beginning with "transferring" in line 3 through line 5 and insert "empowering, appointing, or designating another individual the responsibility for the performance of nursing interventions;"; in line 6 strike "component" and insert "another"; in line 8 strike the first "selected"; strike beginning with "in" in line 8 through "appropriately"; in line 12 strike "monitoring" and insert "managing"; and in line 13 strike "practice" and insert "nursing interventions performed by".

6. On page 17, strike lines 2 through 11, show the old matter as stricken, and insert:

"(2) Auxiliary patient care services provided by persons carrying out duties under the direction of a licensed practitioner;

(3) Auxiliary patient care services provided by persons carrying out interventions for the support of nursing service as delegated by a registered nurse or as assigned and directed by a licensed practical nurse licensed under the act;"; in line 12, strike "(3)" and insert "(4)"; in line 14 strike "(4)" and insert "(5)" and in line 28 strike "(5)" and insert "(6)".

7. On page 18, line 14, strike "(6)" and insert "(7)".

8. On page 24, strike line 28 and insert the following new subdivision:

"(2) If requested, issue or decline to issue advisory opinions defining acts which in the opinion of the board are or are not permitted in the practice of nursing as defined in section 71-1,132.05. Such opinions shall be considered informational only and are nonbinding;".

9. On page 32, line 17; and page 34, lines 1 through 3, strike the new matter and reinstate the stricken matter.

10. On page 33, lines 8 through 19, strike the new matter and reinstate the stricken matter; in line 20 reinstate the stricken "year of revocation shall pay"; in line 21 reinstate the stricken "an" through "petition"; and in lines 22 through 28 strike the new matter and reinstate the stricken matter.".

11. On page 47, lines 16 and 17, strike "and 71-1786," and insert "71-1786, and 71-2601".

12. Renumber the remaining sections accordingly.

13. In the Standing Committee amendments, AM0341:

a. Strike amendments 1 to 3, 9, and 14;

b. On page 1, strike beginning with "line" in line 14 through the quotation mark in line 18 and insert "strike line 1"; strike beginning with the second "strike" in line 21 through line 24 and insert "in line 12 after 'recommendations' insert 'in accordance with section 71-168.01';";

c. On page 2, strike line 1; in line 15 before the semicolon insert "and insert '(9)' "; in line 16 strike "(9)" and insert "(10)"; and strike beginning with the semicolon in line 20 through "1" in line 21; and

d. Renumber the remaining amendments accordingly.

The Day amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 563A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 396. E & R amendment, AM7098, found in the Journal on page 1524, was adopted.

Mr. Beutler offered the following amendment:
AM1635

1. Strike original sections 2 and 3 and all amendments thereto and insert the following new sections:

"Sec. 2. Section 76-252, Revised Statutes Supplement, 1994, is amended to read:

76-252. When the obligation secured by any mortgage has been satisfied, the mortgagee shall, upon receipt of a written request by the mortgagor or the mortgagor's successor in interest or designated representative or by holder of a junior trust deed or junior mortgage, execute and deliver a release of mortgage in recordable form to the mortgagor or mortgagor's successor in interest or designated representative.

Any mortgagee who~~, after request,~~ fails to deliver such a release within sixty days after receipt of such written request ~~the satisfaction of the obligations secured by the mortgage~~ shall be liable to the mortgagor or the mortgagor's successor in interest, as the case may be, for one thousand dollars or ~~and all~~ actual damages resulting from the failure, ~~including attorney's fees and costs of title work~~ whichever is greater. In any action against the mortgagee pursuant to this section, the court shall award, in addition to the foregoing amounts, the cost of suit, including reasonable attorney's fees, and may further order the mortgagee to execute a release. Successor in interest of the mortgagor shall include the current owner of the property.

Sec. 3. Section 76-1014.01, Revised Statutes Supplement,

1994, is amended to read:

76-1014.01. When the obligation secured by any trust deed has been satisfied, the beneficiary shall, upon receipt of a written request by the trustor or the trustor's successor in interest or designated representative or by the holder of a junior trust deed or junior mortgage, deliver to the trustor or trustor's successor in interest or designated representative a reconveyance in recordable form duly executed by the trustee. The reconveyance may designate the grantee therein as the person or persons entitled thereto. The beneficiary under such trust deed shall upon receipt of a written request deliver to the trustor or his or her successor in interest the trust deed ~~or~~ and the note or other evidence of the obligation so satisfied. If a trustee fails or refuses to execute a reconveyance required by the beneficiary, the beneficiary shall appoint a successor trustee that will execute a reconveyance.

Any beneficiary who~~, after request,~~ fails to deliver such a reconveyance within sixty days after ~~the satisfaction of the obligations secured by the trust deed~~ receipt of such written request shall be liable to the trustor or his or her successor in interest, as the case may be, for one thousand dollars or ~~and all~~ actual damages resulting from such failure, ~~including attorney's fees and costs of title work~~ whichever is greater. In any action against the beneficiary or trustee pursuant to this section, the court shall award, in addition to the foregoing amounts, the cost of suit, including reasonable attorney's fees, and may further order the trustee to reconvey the property. Successor in interest of the trustor shall include the current owner of the property.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 438. E & R amendment, AM7101, found in the Journal on page 1525, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 438A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 251. E & R amendment, AM7087, found in the Journal on page 1526, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 488. Advanced to E & R for engrossment.
LEGISLATIVE BILL 527. Advanced to E & R for engrossment.

LEGISLATIVE BILL 574. E & R amendment, AM7102, found in the Journal on page 1537, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 451. E & R amendment, AM7106, found in the Journal on page 1572, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 285. E & R amendment, AM7100, found in the Journal on page 1576, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 589. E & R amendment, AM7104, found in the Journal on page 1576, was adopted.

Mr. Hall withdrew his amendment, AM0871, found in the Journal on page 1646.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 772. E & R amendment, AM7089, found in the Journal on page 1576, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 346. E & R amendment, AM7103, found in the Journal on page 1576, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 120. Title read. Considered.

Standing Committee amendment, AM1394, found in the Journal on page 1489, was considered.

Mrs. McKenzie offered the following amendment to the Standing Committee amendment:

AM1651

(Amendments to Standing Committee amendments, AM1394)

1. Strike section 3 and renumber the remaining sections accordingly.

2. On page 7, line 2, strike "to 3 and 8" and insert ", 2, and 7".

The McKenzie amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 889. Introduced by Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to provide for a deficit appropriation; to state intent; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LR 90 Tuesday, April 25, 1995 12:00 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 712 in the Journal. No objections. So ordered.

AM1641

(Amendments to E & R amendments, AM7054)

1. Insert the following new sections:

"Sec. 30. Any licensed adoption agency which certifies by affidavit filed with the Department of Social Services that it has prospective customers in the top tenth percentile income bracket who desire to adopt a newborn child shall make written application at the time of filing its affidavit to obtain the newborn child of any unmarried woman (1) having less than a twelfth-grade education, (2) whose income is below the poverty level established by the federal government, or (3) whose intelligence quotient is no higher than seventy-two. The department shall file copies of all affidavits and applications with each hospital and health care provider in this state who may tend or provide care or services to a pregnant woman.

Sec. 31. The newborn child of a mother described in section 30 of this act shall be handed over to the adoption agency whose affidavit and application appear highest on the list of adoption agencies maintained by the department, a copy of which has been provided to the hospital or health care provider.

Sec. 32. Should a multiple birth occur, the mother may be permitted to keep one of her babies unless, in the sole discretion of the department, all of the babies should be taken. Whenever a multiple birth is indicated, the hospital or health care provider shall immediately notify the department in writing. When making a determination of whether the mother shall be permitted to keep one child, the best interests of the adoption agencies and their prospective customers shall be given consideration by the department.

Sec. 33. All parental rights of any mother described in sections 30 to 39 of this act shall be terminated permanently and irrevocably by operation of law.

Sec. 34. In the event that no customer of the adoption agency whose application is being processed desires to adopt the child under consideration, such child shall be passed down to the next agency on the list of the Department of Social Services and such process shall be continued until an agreement is reached for placement of the child. If no agreement for placement is reached by any agency on the department's list, the child shall become a ward of the state and shall be dealt with in the same manner as other wards.

Sec. 35. For purposes of sections 30 to 39 of this act, newborn applies to the first thirty days following the birth of a child. Such period permits prospective customers to evaluate the child to determine whether the child is suitable for their purposes and to allow other agencies on the list of the Department of Social Services to attempt to consummate a placement if circumstances warrant.

Sec. 36. Any hospital or health care provider who hands over a newborn child to any adoption agency pursuant to these provisions shall inform the mother of such child that her baby was stillborn and that its body was disposed of in accordance with the rules and procedures of the hospital or health care provider.

Sec. 37. No hospital or health care provider who substantially complies with these provisions shall have any liability civil or criminal for any acts or omissions.

Sec. 38. No court shall have jurisdiction to review or hear any case or matter whatsoever involving agreements or activities undertaken or performed by any person or agency authorized or empowered to act pursuant to sections 30 to 39 of this act.

Sec. 39. The Department of Social Services shall adopt rules and regulations for determining the intelligence quotient of pregnant women affected by sections 30 to 39 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1631

(Amendments to AM1587)

1. On page 4, line 4, after the period insert "No member of the indigency task force established by the Supreme Court may be a member of the commission.".

2. On page 6, line 2, after the period insert "No member of the indigency task force established by the Supreme Court may be the chief counsel of the commission.".

3. On page 7, line 2, after "them" insert ". No member of the indigency task force established by the Supreme Court may be an employee of the commission".

GENERAL FILE

LEGISLATIVE BILL 193. Title read. Considered.

Standing Committee amendment, AM0676, found in the Journal on page 957, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 35:

Abboud
Bernard-Stevens
Beutler
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 3:

Chambers
Schimek
Witek

Present and not voting, 3:

Preister
Wesely
Withem

Absent and not voting, 1:

Avery

Excused and not voting, 7:

Bohlke
Bromm
Dierks
Hillman
Jones
Lindsay
Lynch

The motion to cease debate prevailed with 35 ayes, 3 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 469. Title read. Considered.

Standing Committee amendment, AM0510, found in the Journal on page 827, was considered.

Mr. Wickersham renewed his pending amendment, AM0943, found in the Journal on page 1632, to the Standing Committee amendment.

Mr. Wickersham moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Wickersham requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 26:

Beutler
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Witek

Voting in the negative, 9:

Abboud
Bernard-Stevens
Hall
Lindsay
Pedersen
Robinson
Wesely
Will
Withem

Present and not voting, 9:

Avery
Bromm
Chambers
Jensen
Pirsch
Preister
Robak
Schimek
Schmitt

Excused and not voting, 5:

Bohlke
Dierks
Hillman
Jones
Lynch

The Wickersham amendment was adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 385. Title read. Considered.

Standing Committee amendment, AM0448, found in the Journal on page 779, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Landis withdrew his amendment, AM0498, found in the Journal on page 919.

Mr. Landis renewed his pending amendment, AM1271, found in the Journal on page 1368.

The Landis amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 593. Title read. Considered.

Standing Committee amendment, AM0380, found in the Journal on page 737, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 593A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 376. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 538. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 330. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 12, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brandt, Horan, Hallstrom & Sedlacek	
Sedlacek, Ronald J. - Lincoln	Nebraskans for HealthCare Equity
Crosby, Guenzel, Davis, Kessner & Kuester	
Seglin, Steven G. - Lincoln	US Ecology
Kelley, Michael - Omaha	United Asbestos Contractors Association
Skochdopole, R. A. - Omaha	Bergan Mercy Medical Center
Vickers, Tom - Lincoln	Nebraskans for HealthCare Equity

MOTION - Reconsider Action on LB 469

Mr. Hartnett moved to reconsider the Wickersham amendment, AM0943, to LB 469.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay and Hall asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1632

(Amendments to AM1587)

1. On page 3, line 14, after the period insert "In order to best deliver legal services to the people of Nebraska, the offices of the commission and its legal staff shall be located in or near Kearney, Nebraska.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1623

1. On page 10, line 13, after "Reduced" insert: ",except that under the high disregards program the department shall disregard one hundred dollars plus sixty percent of the remaining monthly earned income.".

GENERAL FILE

LEGISLATIVE BILL 872. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 265. Title read. Considered.

MR. HALL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 146. Title read. Considered.

Standing Committee amendment, AM0290, found in the Journal on page 877, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 146A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Engel asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 397. Title read. Considered.

Standing Committee amendment, AM0544, found in the Journal on page 883, was considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 572. Title read. Considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendment, AM0636, found in the Journal on page 919, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 669. Title read. Considered.

Standing Committee amendment, AM0659, found in the Journal on page 919, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 671. Title read. Considered.

Standing Committee amendment, AM0640, found in the Journal on page 923, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 856. Title read. Considered.

Mrs. Robak and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM1379, found in the Journal on page 1445.

Mr. Hall withdrew his amendment.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 309. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 805. Title read. Considered.

Standing Committee amendment, AM0675, found in the Journal on page 959, was considered.

MRS. CROSBY PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 598. Title read. Considered.

Mr. Lindsay renewed his pending amendment, AM1365, found in the Journal on page 1443.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 739. Title read. Considered.

Standing Committee amendment, AM0773, found in the Journal on page 1011, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Standing Committee amendment, AM0807, found in the Journal on page 1024, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Standing Committee amendment, AM0857, found in the Journal on page 1036, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Standing Committee amendment, AM0894, found in the Journal on page 1060, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 693. Title read. Considered.

Mr. Warner withdrew his amendment, AM1450, found in the Journal on page 1525.

Mr. Warner offered the following amendment:
FA150
Page 3, line "1" reinsert the stricken matter (the words "six hundred thousand")

The Warner amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 693A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

Standing Committee amendment, AM0236, found in the Journal on page 613, was considered.

PRESIDENT ROBAK PRESIDING

Mr. Robinson moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

The Standing Committee amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Revenue

LR 93CA Monday, May 1, 1995 (Correction) 11:00 a.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

(Amendment, AM1600, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Lindsay, Mmes. Crosby, and Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1655

(Amendments to AM1462)

1. Strike original section 2 and insert the following new sections:

"Sec. 20. For purposes of sections 20 to 22 of this act:

(1) Abortion shall have the definition found in section 28-326; and

(2) Public funds shall mean any funds received or controlled by the State of Nebraska or any agency or political subdivision thereof, including funds derived from federal, state, or local taxes, gifts or grants from any public or private source, federal grants or payments, or intergovernmental transfers.

Sec. 21. No public funds shall be used to pay for any abortion not necessary to save the life of the mother, except that funds shall be used to pay for abortions in additional circumstances to the extent, and only to the extent, required by federal law as finally determined by a court of competent jurisdiction, with regard to which determination all judicial appeals have been exhausted, as a necessary condition of continued state participation in the federal medicaid program.

Sec. 22. Any taxpayer in this state or in any political subdivision shall have standing to bring suit in a court of proper jurisdiction to enforce the provisions of sections 20 to 22 of this act.".

2. On page 1, line 1, strike "section" and insert "sections".

3. Renumber section 11 as section 19.

4. Amend the operative date provision so that sections 20 to 22 added by this amendment become operative on their effective date with the emergency clause.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 455A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

MOTION - Suspend Rules

Mr. Wehrbein moved to suspend the rules, Rule 3, Section 4(e)(i) and Rule 6, Sections 1 and 2, and place LB 889 on General File.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 559. No objections. So ordered.

VISITORS

Visitors to the Chamber were Susan, Jeff, and Becky Cooperrider from Waverly, John and Marie Haxby from Lincoln, and Sharon and Matt Glawatz from Seward; 45 fifth and sixth grade students and sponsor from Waterloo; 22 eighth grade students and sponsor from Sterling; Roger Reiter from Omaha; R. L. "Dick" Hermon from Los Angeles, California; eighth grade students and sponsors from Brady; Caire and Craig Dewalt, Adam Vlashine, Cyan Dewaldt, and Mike, Janet, Leslie, and Tyler Pribbano from Imperial; Johnny Schlepp, Sue Siebler, Barb

Hassler, Edith Mytty, Mel Givens, Darlene Siebler, Vic Houser, and Dick Woita from Fremont; 31 fourth grade students and sponsor from Weeping Water; Senator Maurstad's sister and nephews, Debra, Adam, and Eric Dreher, from Woodbury, Minnesota; Steve Paustian from Grand Island; Senator McKenzie's father, Rolland Johnson, John Hull, and Mac Tillberg from Sutton; Bruce and Jennie Clymer from Gothenburg; Carl and Shirley York from Cozad; LuAnn and Rachel Ruwe from Uehling; Melinda Rasmussen from Mead; and 24 fourth grade students and sponsor from Lincoln Elementary, Beatrice.

The Doctor of the Day was Kyle Haefele from Lincoln.

ADJOURNMENT

At 2:21 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Tuesday, April 18, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-THIRD DAY - APRIL 18, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 18, 1995

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Ken McClain, United Methodist Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke and Hillman who were excused; and Messrs. Abboud, Chambers, Hall, Landis, Lindsay, Robinson, Schrock, Wickersham, Will, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1669, line 25, strike "(c)" and insert "(e)".
The Journal for the sixty-second day was approved as corrected.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95029

DATE:	April 10, 1995
SUBJECT:	Whether State law requires that a peace officer have a Nebraska operator's license.
REQUESTED BY:	Senator Michael T. Avery Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

Donald D. Moravec, Assistant Attorney General

You have asked if State law requires that a peace officer possess a valid Nebraska operator's license to perform his or her duties. There are no specific laws addressing this issue. It is our opinion that a peace officer, like any citizen, must have a valid operator's license which has been issued by the State of his or her residence.

The Motor Vehicle Operator's License Act (License Act) Neb. Rev. Stat. §§ 60-462 to 60-4,188, is instructive in answering your question. Neb. Rev. Stat. § 60-484(1) (Cum. Supp. 1994) provides in part, " . . . {N}o resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of the State of Nebraska until the person has obtained an operator's license for that purpose . . . " The License Act does not define the term resident, but Nebraska election laws and Supreme Court decisions generally define a residence as the place where a person has established a home, is habitually present at that location, and when they leave they intend to return to that location, see Neb. Rev. Stat. § 32-107 (1993): Wray v. Wray, 149 Neb. 376, 31 N.W.2d 228 (1948).

The License Act defines a non-resident as a person who is not a resident of the state, Neb. Rev. Stat. § 60-472 (1993), and provides the non-resident with the privilege of operating a motor vehicle in Nebraska, under the general motor vehicle laws, "but in no event shall such immunity extend beyond a period of thirty days continuous residence in the State of Nebraska." Neb. Rev. Stat. § 60-488(1) (1993). The State's grant of immunity to a non-resident is conditioned upon that person having a valid operator's license from the state of their residence. § 60-488(2)(a).

A peace officer seeking admission to the Nebraska Law Enforcement Training Center must, amongst other criterion, possess a valid motor vehicle operator's or chauffeur's license. Neb. Rev. Stat. § 81-1410(2)(d) (1994). That condition does not require the license to be one issued by the State of Nebraska. If the Legislature had required the peace officer to possess a valid Nebraska operator's license, that would have legislatively mandated that only Nebraska residents could be peace officers.

Nebraska law is silent as to state or local residency requirements of governmental employees, of the nature discussed herein. Courts have upheld state laws and municipal ordinances allowing for or requiring residency as a condition of employment. McCarthy v. Philadelphia Civil Service Commission, 424 U.S. 645, 96 S.Ct. 1154, 41 L.Ed.2d 366 (1976) (municipal residency requirements for maintaining employment are not irrational); Salem Blue Collar Workers Ass'n v. City of Salem, 33 F.3d 265 (3rd Cir. 1994) (Salem, New Jersey, ordinance requiring city employees reside within city served legitimate governmental purpose); Clinton Police Dept. v. City of Clinton, 464 N.W.2d 875 (Iowa 1991) (city ordinance, under authority of state law, setting distance employees could live from work places is constitutional).

Sincerely,
DON STENBERG
Attorney General
(Signed) Ronald D. Moravec
Assistant Attorney General

19-020-10.1
cc Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95030

DATE: April 11, 1994

SUBJECT: Constitutionality of Proposed AM0545 to LB 615; Special Legislation, Detached Branch Banks

REQUESTED BY: Senator Timothy J. Hall
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested our opinion regarding the constitutionality of a proposed amendment, AM0545, to LB 615. The proposed amendment restricts the number of detached branch banks which may be established in a city of the primary class to three if the main office of the bank is located within an unincorporated city or area in a Class II county.

The amendment would change certain provisions of Neb. Rev. Stat. § 8-157 (1994 Cum. Supp.) to include the following:

> (ii) With the approval of the director, any bank in existence on the effective date of this act, the main office of which on the effective date of this act is located within an unincorporated city or unincorporated area in a Class II county which contains a city of the primary class, may establish prior to July 1, 2005, and maintain not more than three detached branch banks within the corporate limits of such city of the primary class, at which all banking transactions allowed by law may be made.

Specifically, you inquire whether the restriction set forth in the proposed amendment would constitute special legislation as either "an unreasonable or a closed classification."

Article III, Section 18, of the Nebraska Constitution prohibits the Legislature from passing "local or special laws . . . {g}ranting to any corporation . . . any special or exclusive privileges, immunity, or franchise whatever. . . ." A legislative act can violate Neb. Const. art. III, § 18, as special legislation in one of two ways: (1) by creating a totally arbitrary method of classification, or (2) by creating a permanently closed class. Mapco v. State Bd. of Equal., 238 Neb. 565, 471 N.W.2d 734 (1991); City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970).

UNREASONABLE CLASSIFICATION

At first glance, it appears that the amendment would establish an unreasonable class consisting of banks with main offices within an unincorporated city or area and outside the corporate limits of a city of the primary class (City of Lincoln). To be valid as a reasonable classification, the legislative class must be based on some substantial difference or circumstances that would suggest the validity of diverse legislation with respect to the objects so classified. The amendatory language precludes a bank from establishing more than three detached branched banks within a city of the primary class if the bank is located within an unincorporated city or area. Other banks with their main offices located in the corporate limits are authorized to establish nine detached branch banks. See Neb. Rev. Stat. § 8-157(c)(i). Thus, the amendment establishes two classes of banks. The first class includes banks within the corporate limits of the city, and the second includes banks with main offices located in an unincorporated area outside the corporate limits of the city. It is only the latter class that is subjected to the limitation of three detached branch banks.

The Legislature may make classifications but cannot do so arbitrarily and unreasonably. Cox v. State, 134 Neb. 751, 279 N.W. 482 (1938). Further, the classifications must be based on substantial differences of situations or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). The proper inquiry therefore is whether branch bank limitations imposed on banks with main offices located in unincorporated areas bears a reasonable and substantial relationship to the state's interest in regulating the number of branch facilities that may be established. In viewing this inquiry, we note that a bank located in a Class I or a Class III county may establish an unlimited number of detached branch banks. Class I counties are defined as counties in this state with a population of three hundred thousand or more; Class II counties are those counties with a population of two hundred thousand and less than three hundred thousand; and Class III counties are counties with a population of at least one hundred thousand and less than two hundred thousand. See Neb. Rev. Stat. § 8-157(2)(f)(i), (ii), (iii). Accordingly, only banks in Class II counties are restricted to a limited number of branch bank facilities in counties having a population of one hundred thousand or more.

Further, there appears to be only one Class II county having a city of the primary class located therein. Cities of the primary class are defined by Neb. Rev. Stat. § 15-101 (1994 Cum. Supp.) to be cities having more than one hundred thousand and less than three hundred thousand inhabitants. The only city we are aware of that is a city of the primary class is Lincoln, Nebraska. For this reason, it seems that only banks in Lancaster County having their main offices in unincorporated areas are subject to the limit of three branch bank facilities within the corporate limits of the city. In this state, branch banks are authorized on a county-wide basis, and the number of branches that may be established is dependent on the population of the county categorized by class. Only banks in a Class II county with main offices in unincorporated areas are subject to the limitation. For this reason, we believe the classification is constitutionally suspect because the classification appears to bear no substantial and reasonable relationship to the stated objects of the legislation.

CLOSED CLASS

The second consideration in determining whether the classification constitutes special consideration depends on whether the class of banks is a closed class. A classification which limits the application of the law to a present condition and leaves no room or opportunity for an increase in the numbers of the class by future growth or development is special. In deciding whether a statute legitimately classifies, the court must consider the actual probability that others will come under the act's operation. See Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991); City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970).

The class of banks created and so restricted appears to be a closed class since the number of banks is limited to those with main offices in unincorporated areas on the effective date of the legislation. That is, it is highly unlikely that the class of banks can expand since the number of banks affected would be fixed as of the effective date of the act. It seems that banks established in unincorporated areas after the effective date would not be subject to the branch bank limitation. Clearly, the restrictions would not operate equally on all banks similarly located in the county. The class is so narrowly constructed that we do not perceive any sequence of events whereby the class of banks could expand beyond the number in existence on the effective date of the legislative act.

CONCLUSION

The legislative class appears unreasonable, and the classification to be absolutely closed. For these reasons, we conclude that the amendatory provisions would be subject to legal challenge as special legislation in contravention of Neb. Const. art. III, § 18.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-01-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 88, 91, and 92.

GENERAL FILE

LEGISLATIVE BILL 646. The pending Beutler amendment, FA130, found in the Journal on page 1529, to the pending Standing Committee amendment, was renewed.

Mrs. Robak, Messrs. Warner, Engel, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment lost with 11 ayes, 14 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1587, found in the Journal on page 1614, to the Standing Committee amendment.

MRS. CROSBY PRESIDING

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Kristensen amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Lindsay and Hall renewed their pending amendment, AM1632, found in the Journal on page 1663, to the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 7 ayes, 4 nays, and 38 not voting.

Mr. Lindsay requested a roll call vote on the Lindsay-Hall amendment.

Voting in the affirmative, 8:

Bernard-Stevens
Hall
Hartnett
Landis
Lindsay
Lynch
Preister
Witek

Voting in the negative, 23:

Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Fisher
Hudkins
Janssen
Jensen
Kristensen
Matzke
McKenzie
Pedersen
Pirsch
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 8:

Avery
Day
Elmer
Engel
Jones
Maurstad
Schellpeper
Schrock

Excused and not voting, 10:

Abboud
Bohlke
Chambers
Cudaback
Dierks
Hillman
Robak
Robinson
Warner
Will

The Lindsay-Hall amendment lost with 8 ayes, 23 nays, 8 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mr. Wehrbein renewed his pending motion, found in the Journal on page 1669, to suspend the rules, Rule 3, Section 4(e)(i) and Rule 6, Sections 1 and 2, and place LB 889 on General File.

The Wehrbein motion to suspend the rules prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

VISITORS

Visitors to the Chamber were Mr. Kykhailo Vassyliovych Kosiv, Mr. Victor Volodymyrovych Karpenko, Mr. Anatoly Tikhonovich Borisov, Mr. Andry Prokopovych Snihach, and Dr. Eduart Andriyovych Afonin from the Ukraine Parliament, Dan Lovick, Juri Rozenshtekher, and Art Nicolai; 72 fifth and sixth grade students and sponsors from Grant Elementary, Fremont; Tonya, Mark, Chaz, and Zane Winger from Colby, Kansas; and 100 fourth grade students and teacher from Fontenelle School, Omaha.

RECESS

At 11:59 a.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hillman, and Ms. Day who were excused; and Messrs. Abboud, Coordsen, Cudaback, Dierks, Jones, Landis, Matzke, Preister, Robinson, Warner, Wehrbein, Wickersham, Will, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 447, 542, 609, 718, and 837.

Enrollment and Review Change to LB 609

The following changes, required to be reported for publication in the Journal, have been made:

ER9051

1. In the Wesely amendment, AM1644, section 10 has been renumbered as section 11.
2. On page 1, line 2, "to" has been struck and ", 3-125," inserted and "3-144," has been inserted after the fourth comma.
3. On page 8, line 11, "sections 3-101 to 3-154" has been struck, shown as stricken, and "the State Aeronautics Department Act" inserted.
4. On page 9, lines 2 and 3, "sections 3-101 to 3-154" has been struck, shown as stricken, and "the State Aeronautics Department Act" inserted; in line 3 an underscored comma has been inserted after "thereto"; and in lines 9 and 20 "provisions of sections 3-101 to 3-154" has been struck, shown as stricken, and "act" inserted.
5. On page 13, line 4, "to" has been struck and ", 3-125," inserted.

Enrollment and Review Change to LB 718

The following changes, required to be reported for publication in the Journal, have been made:

ER9050

1. On page 1, line 4, ", deer," has been struck and "and deer" inserted; and in line 9 "to provide for the Domesticated Cervine Animal Registry; to provide a penalty;" has been inserted after the semicolon.

Enrollment and Review Change to LB 837

The following changes, required to be reported for publication in the Journal, have been made:

ER9048

1. In the Wesely-Hall amendment, AM1451:

a. On page 2, line 27, "determines" has been struck and "determine" inserted;

b. On page 3, line 13, "health care purchasing" has been inserted after "the"; and in line 23 "or which" has been inserted after "who"; and

c. On page 4, line 4, "sections" has been struck and "Original" inserted; and in line 5 "sections" has been struck.

2. On page 1, line 1, "insurance" has been struck and "health care" inserted and "section 44-4233, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; in line 3 "Comprehensive Health Insurance Pool assessments and" has been inserted after "to" and "to adopt the Health Care Purchasing Pool Act;" has been inserted after the semicolon.

(Signed) David I. Maurstad, Chairperson

COMMUNICATIONS

Received a copy of Senate Concurrent Resolution 24 from the State of Texas petitioning the Congress of the United States of America to propose an amendment to the United States Constitution protecting the American flag and 50 state flags from willful desecration.

Received a copy of Senate Concurrent Resolution 1018 from the State of Arizona requesting the Congress of the United States to propose an amendment to the Constitution of the United States to provide the States with a method of offering amendments to the Constitution of the United States.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts, audit reports and/or management letters
  Administrative Services, Department of
  Administrative Services, Department of, Division of Risk Management

Administrative Services, Department of, Personnel Division
Aeronautics, Department of
Aging, Department of
Correctional Services, Department of
Economic Development, Department of
Education, Department of
Education, Department of
Educational Telecommunications Commission
Energy Office
Environmental Quality, Department of
Game and Parks Commission
Health, Department of, NW Nebraska Community Action
Insurance, Department of
Labor, Department of
Law Enforcement and Criminal Justice, Commission on
Motor Vehicles, Department of
Public Institutions, Department of
Retirement Systems, Public Employees', State and County Employees
Revenue, Department of, Cigarette Tax Receipts
Revenue, Department of, Cigarette Tax Revenue
Revenue, Department of, City Sales Taxes
Roads, Department of
Social Services, Department of, State Wards' Guardianship Accounts
State of Nebraska Comprehensive Annual Financial Report (CAFR)
Supreme Court
Treasurer, State
University of Nebraska

Roads, Department of
Highway Cash fund and Roads Operation Cash fund for March 1995 (section 66-4,144, R.S. Supp. 1994)

School Finance Review Committee
Annual Report for 1995 (Statute 79-3823)

GENERAL FILE

LEGISLATIVE BILL 646. Messrs. Lindsay and Hall offered the following amendment to the pending Standing Committee amendment:
AM1670

(Amendments to AM1587)

1. Insert the following new sections:

"Sec. 13. The services provided by the commission shall be available only to those counties which have an indigent defense system pursuant to sections 23-3401 to 23-3407, sections 29-3909 to 29-3918, or an intercounty local compact for the delivery of indigent defense services. Before the commission provides supplemental indigent defense services, the county requesting services must:

(1) Enumerate and describe the case for which assistance is requested;

(2) Describe the reason for the request for assistance; and

(3) Describe the reason that the public defender or contract attorney in that county cannot handle the case for which assistance is required.

Any request for services shall be made to the chief counsel who shall be responsible for accepting or rejecting the request for services based on the rules and regulations.

Sec. 14. If the chief counsel accepts a request for representation or assistance from a requesting county, he or she shall notify the court having jurisdiction over the case that the commission's services are available and the court shall appoint counsel from the commission to represent the individual in need of services.

Sec. 15. Section 23-3404, Reissue Revised Statutes of Nebraska, is amended to read:

23-3404. (1) In a county ~~having a population of less than thirty-five thousand inhabitants~~ which does not have an elected public defender, the county board of such county may appoint a qualified attorney to serve as public defender for such county. In making the appointment and negotiating the contract, the county board shall comply with sections 23-3405 to 23-3408.

(2) In appointing a public defender pursuant to subsection (1) of this section, counties may enter into intercounty local compacts for the delivery of indigent defense services.

(3) Nothing in sections 23-3401 to 23-3403 or 29-3901 to 29-3908 shall be construed to apply to sections 23-3404 to 23-3408.

Sec. 16. Section 23-3405, Reissue Revised Statutes of Nebraska, is amended to read:

23-3405. (1) Prior to making the appointment and negotiating the contract provided for in section 23-3404, the county board of such county shall appoint a policy board which shall ensure the independence of the contracting attorney and provide the county board with expertise and ~~support~~ advice in such matters as criminal defense functions, determination of salary levels, ~~determination of reasonable caseload standards, response to community and client concerns,~~ determination of personnel and staff requirements sufficient to provide competent representation, and implementation of the contract. The policy board shall consist of three members. Two of the members shall be practicing attorneys, and one member shall be a layperson. The policy board shall not include judges, prosecutors, or law enforcement officials.

(2) The policy board shall: (a) Receive applications from all attorneys who wish to be a public defender; (b) screen the applications to insure compliance with sections 23-3404 to 23-3408; (c) forward the names of any qualified applicants to the county board which shall make the appointments from the list of qualified

candidates; and (d) ~~recommend to the county board the level of compensation that the public defender should receive and further recommend any contract provisions consistent with such sections; and (e) monitor compliance with such sections, including any continuing legal education requirements~~ make recommendations to the county board concerning the budget requirements, including the level of compensation that the public defender and staff should receive.

Sec. 17. Section 23-3406, Reissue Revised Statutes of Nebraska, is amended to read:

23-3406. (1) The contract negotiated between the county board and the contracting attorney shall specify the categories of cases in which the contracting attorney is to provide services.

(2) The contract negotiated between the county board and the contracting attorney shall be awarded for at least a two-year term. Removal of the contracting attorney short of the agreed term may be for good cause only.

(3) The contract ~~between the county board and the contracting attorney may specify a maximum allowable caseload for each full-time or part-time attorney who handles cases under the contract. Caseloads shall~~ require sufficient staffing for the public defender so as to allow each lawyer to give every client the time and effort necessary to provide effective representation.

(4) The contract between the county board and the contracting attorney shall provide that the contracting attorney be compensated at a minimum rate which reflects the following factors:

(a) The customary compensation in the community for similar services rendered by a privately retained counsel to a paying client or by government or other publicly paid attorneys to a public client;

(b) The time and labor required to be spent by the attorney; and

(c) The degree of professional ability, skill, and experience called for and exercised in the performance of the services.

(5) The contract between the county board and the contracting attorney shall provide that the contracting attorney may decline to represent clients with no reduction in compensation if the contracting attorney is assigned more cases which require an extraordinary amount of time and preparation than the contracting attorney can competently handle. In cases in which the contracting attorney has declined to represent clients pursuant to this subsection, the county board or the contracting attorney may request assistance from the Commission for Supplemental Indigent Defense Services.

(6) ~~The contract between the contracting attorney and the county board shall provide that the contracting attorney shall receive at least ten hours of continuing legal education annually in the area of criminal law.~~ The contract between the county board

and the contracting attorney shall provide for reasonable funds for the continuing legal education of the contracting attorney and staff in the area of criminal law.

(7) The contract between the county board and the contracting attorney shall require that the contracting attorney provide legal counsel to all clients in a professional, skilled manner consistent with minimum standards set forth by ~~the American Bar Association and~~ the Canons of Ethics for Attorneys in the State of Nebraska. The contract between the county board and the contracting attorney shall provide that the contracting attorney shall be available to eligible defendants upon their request, or the request of someone acting on their behalf, at any time the Constitution of the United States, ~~or~~ the Constitution of Nebraska, or Nebraska statutes requires the appointment of counsel.

(8) The contract between the county board and the contracting attorney shall provide for reasonable compensation over and above the normal contract price for cases which require an extraordinary amount of time and preparation, including capital cases.".

2. On page 1, line 5, strike "This" and insert "Sections 1 to 14 of this"; in line 13 strike "begins to assist" and insert "assists"; and strike lines 22 and 23.

3. On page 2, strike lines 1 through 7 and insert the following new subdivision:

"(4) The primary responsibility for the delivery of indigent defense services in criminal cases is that of county government but the state should assist in delivery of these services in certain cases; and"; in line 8 strike "(6)" and insert "(5)"; and in lines 11 and 12 and 24 strike "Commission on Public Advocacy" and insert "Commission for Supplemental Indigent Defense Services".

4. On page 3, line 11, after the semicolon insert the following new subdivisions:

"(8) Intercounty local compact means an agreement between several counties for the creation and funding of an indigent defense system pursuant to sections 23-3404 to 23-3407;" ; in line 12 strike "(8)" and insert "(9)"; and in line 14 strike "Commission on Public Advocacy" and insert "Commission for Supplemental Indigent Defense Services".

5. On page 4, line 25, after the semicolon insert "and"; and strike lines 26 and 27.

6. On page 5, strike lines 1 through 18; and in line 19 strike "(9) and insert "(2)".

7. On page 6, strike beginning with the comma in line 14 through "commission" in line 27.

8. On page 7, strike lines 1 through 15 and insert

"(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them; and

(5) Transmit monthly to the commission a report of the

operations of the commission for the preceding calendar month.".

9. Insert underscoring in the original sections and all amendments thereto.

Mr. Lindsay moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Lindsay requested a roll call vote on the Lindsay-Hall amendment.

Voting in the affirmative, 19:

Abboud
Avery
Beutler
Bromm
Brown
Chambers
Engel
Hall
Hartnett
Janssen
Landis
Lindsay
Lynch
McKenzie
Pedersen
Preister
Wesely
Witek
Withem

Voting in the negative, 15:

Bernard-Stevens
Brashear
Crosby
Elmer
Fisher
Hudkins
Jensen
Kristensen
Matzke
Maurstad
Pirsch
Schmitt
Stuhr
Vrtiska
Wehrbein

Present and not voting, 7:

Coordsen
Jones
Robak
Robinson
Schellpeper
Schimek
Schrock

Excused and not voting, 8:

Bohlke
Cudaback
Day
Dierks
Hillman
Warner
Wickersham
Will

The Lindsay-Hall amendment lost with 19 ayes, 15 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:

FA151

Amend AM1587 as follows:

1. On page 6, line 2 strike beginning with "commission" through "requested" in line 4 and insert "chief counsel shall serve at the pleasure of the commission"

2. Strike section 11.

Mr. Kristensen requested a division of the question on the Lindsay amendment.

The Chair sustained the division of the question.

The first Lindsay amendment, to the Standing Committee amendment, is as follows:
FA152
Amend AM1587 as follows:
1. On page 6, line 2 strike beginning with "commission" through "requested" in line 4 and insert "chief counsel shall serve at the pleasure of the commission"

The first Lindsay amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The second Lindsay amendment, to the Standing Committee amendment, is as follows:
FA153
Amend AM1587 as follows:
2. Strike section 11.

MR. WESELY PRESIDING

Mr. Lindsay requested a record vote on his second amendment.

Voting in the affirmative, 8:

Abboud
Avery
Bernard-Stevens
Hall
Lindsay
Pedersen
Preister
Witek

Voting in the negative, 13:

Beutler
Brashear
Bromm
Crosby
Fisher
Janssen
Kristensen
Matzke
Pirsch
Stuhr
Vrtiska
Warner
Wehrbein

Present and not voting, 21:

Brown
Chambers
Coordsen
Elmer
Engel
Hartnett
Hudkins
Jensen
Jones
Lynch
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Wesely
Wickersham
Withem

Excused and not voting, 7:

Bohlke
Cudaback
Day
Dierks
Hillman

Landis
Will

The second Lindsay amendment lost with 8 ayes, 13 nays, 21 present and not voting, and 7 excused and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA154
Amend AM1587 p. 4, line 25 after the semicolon insert "and" then strike all of lines 26 and 27, and on p. 5 strike lines 1 thru 18, and on line 19, strike (9) and insert (2)

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Engel and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 6:

Abboud
Hall
Hartnett
Lindsay
Pedersen
Witek

Voting in the negative, 10:

Beutler
Bromm
Crosby
Elmer
Kristensen
Matzke
Maurstad
Pirsch
Stuhr
Vrtiska

Present and not voting, 23:

Avery
Brown
Chambers
Coordsen
Fisher
Hudkins
Janssen
Jensen
Jones
Lynch
McKenzie
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Excused and not voting, 10:

Bernard-Stevens
Bohlke
Brashear
Cudaback
Day
Dierks
Engel
Hillman
Landis
Will

The Hall amendment lost with 6 ayes, 10 nays, 23 present and not voting, and 10 excused and not voting.

Messrs. Lindsay and Hartnett offered the following amendment to the Standing Committee amendment:
FA155

Amend AM1587 by adding the following new section:

"Notwithstanding any other provision of this act, neither the commission nor the chief counsel shall have authority to establish or enforce standards and guidelines for qualifications, compensation, caseloads, case progression, support staff, minimum performance or continuing education for indigent defense counsel."

Messrs. Lynch and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lindsay requested a roll call vote, in reverse order, on the Lindsay-Hartnett amendment.

Voting in the affirmative, 12:

Abboud
Brown
Chambers
Hall
Hartnett
Jensen
Lindsay
Pedersen
Preister
Robak
Witek
Withem

Voting in the negative, 22:

Bernard-Stevens
Beutler
Bromm
Coordsen
Crosby
Elmer
Fisher
Hudkins
Janssen
Jones
Kristensen
Matzke
Pirsch
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 4:

Avery
McKenzie
Robinson
Schrock

Excused and not voting, 11:

Bohlke
Brashear
Cudaback
Day
Dierks
Engel
Hillman
Landis
Lynch
Maurstad
Will

The Lindsay-Hartnett amendment lost with 12 ayes, 22 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Lindsay and Hall moved to indefinitely postpone LB 646.

Mr. Wesely and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Lindsay requested a roll call vote on the Lindsay-Hall motion to indefinitely postpone.

Voting in the affirmative, 15:

Abboud
Avery
Bernard-Stevens
Chambers
Hall
Jensen
Lindsay
Pedersen
Pirsch
Preister
Robak
Schellpeper
Will
Witek
Withem

Voting in the negative, 21:

Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Elmer
Fisher
Hudkins
Kristensen
Matzke
Maurstad
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 4:

Dierks
Janssen
Jones
Robinson

Excused and not voting, 9:

Bohlke
Cudaback
Day
Engel
Hartnett
Hillman
Landis
Lynch
McKenzie

The Lindsay-Hall motion to indefinitely postpone lost with 15 ayes, 21 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Will moved the previous question. The question is, "Shall the debate now close?"

Mr. Will moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Will requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Fisher
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 14:

Abboud
Avery
Bernard-Stevens
Hall
Jensen
Landis
Lindsay
Pedersen
Pirsch
Schellpeper
Wesely
Will
Witek
Withem

Present and not voting, 3:

Chambers
Preister
Robak

Excused and not voting, 7:

Bohlke
Cudaback
Day
Engel
Hartnett
Hillman
Lynch

Advanced to E & R for review with 25 ayes, 14 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 385. Placed on Select File.

LEGISLATIVE BILL 593. Placed on Select File as amended.
E & R amendment to LB 593:
AM7112

1. In the Standing Committee amendments, AM0380:

a. On page 1, line 11, strike "sections 18-1738 to 18-1738.01" and insert "this section and section 18-1738 or 18-1738.01"; and

b. On page 2, line 4, after "clerk" insert "or designated county official".

2. On page 1, line 3, after the last comma insert "18-1740,".

LEGISLATIVE BILL 593A. Placed on Select File.

LEGISLATIVE BILL 376. Placed on Select File as amended.
E & R amendment to LB 376:
AM7111

1. On page 3, line 2, after "37-1287" insert "for applications made on or after January 1, 1997,"; and in line 6 after "title" insert "for applications made on or after January 1, 1997".

LEGISLATIVE BILL 538. Placed on Select File.

LEGISLATIVE BILL 330. Placed on Select File as amended.
E & R amendment to LB 330:
AM7113

1. On page 2, line 2, strike "3" and insert "4"; in line 4 strike "shall" and insert "does"; in line 11 insert an underscored comma after "work"; and in line 16 strike the comma and show as stricken.

2. On page 4, line 26, strike "commissioner" and insert "Commissioner of Labor,"; and in line 27 strike "Commissioner of Labor" show as stricken, and insert "commissioner".

3. On page 5, line 19, strike "commissioner" and insert "Commissioner of Labor".

4. On page 7, line 5, before the comma insert "and section 4 of this act".

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 94. Introduced by Coordsen, 32.

WHEREAS, Albert Schoenrock was a member of the two-house Nebraska Legislature from 1935 to 1936; and

WHEREAS, Mr. Schoenrock worked diligently to convert the Legislature from two houses to one house and was recognized by Governor J. James Exon for that work; and

WHEREAS, Mr. Schoenrock married Marguerite Lesoing on April 16, 1937, and they spent their entire married life in their home in Gladstone, Nebraska, operating their farms; and

WHEREAS, Mr. Schoenrock was baptized in, confirmed in, and a life-long member of the Zion United Church of Christ near Gladstone, serving as an elder and a deacon; and

WHEREAS, Mr. Schoenrock was a member of the Farmers Union for sixty-four year, as well as a member of many other local boards and committees; and

WHEREAS, Mr. Schoenrock was concerned with conservation, and in 1989 he received the Jefferson County Agricultural Award in recognition of his conservation work; and

WHEREAS, Albert Schoenrock died on April 6, 1995, in Grand Rapids, Michigan, at the age of eighty-eight.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding public service work of Albert Schoenrock.
2. That the Legislature expresses its condolences to the family and friends of Albert Schoenrock.
3. That a copy of this resolution be sent to the family or Albert Schoenrock at Gladstone, Nebraska, 68352.

Laid over.

MESSAGES FROM THE GOVERNOR

April 13, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Advisory Commission on Compulsive Gambling.

APPOINTEE: Matt Pelzer, 703 West 24th Avenue, Bellevue, NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:dj

April 17, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission of Industrial Relations.

APPOINTEE: Frankie Moore, 3302 West F Street, North Platte, NE 69101

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

VISITORS

Visitors to the Chamber were David Osterberg from Iowa; 16 fifth through eighth grade students, teacher, and sponsors from District 82, rural Pender; 50 fourth grade students and sponsors from Northside Elementary, Nebraska City; Senator Janssen's sister-in-law and brother-in-law, Elaine and Duane Brand, from Fremont; and 32 tenth and twelfth grade students and sponsors from Pope John Catholic, Elgin.

ADJOURNMENT

At 4:36 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Wednesday, April 19, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-FOURTH DAY - APRIL 19, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 19, 1995

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Charles Tyler, delegate to White House Conference on Aging, retired Presbyterian minister, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hillman, and Ms. Day who were excused; and Messrs. Brashear, Chambers, Dierks, Will, Mmes. McKenzie, Stuhr, and Ms. Schimek who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 95. Introduced by Pirsch, 10.

WHEREAS, criminal violence targets millions of Americans and thousands of Nebraskans every year; and

WHEREAS, violent crime increased seventy percent in Nebraska from 1984 through 1993; and

WHEREAS, from 1984 through 1991, violent crime per capita increased fifty percent in Nebraska while rising forty percent nationwide; and

WHEREAS, crime victims play an indispensable role in bringing criminals to justice and thus preventing further violence; and

WHEREAS, as a nation devoted to liberty and justice for all, America must plant the seeds of justice to protect and restore crime victims' rights; and

WHEREAS, harvesting justice over the previous two decades has been accomplished by the millions of survivors of crime, their families, and advocates whose commitment and spirit has persevered while confronting increasing violence; and

WHEREAS, The Nebraska Coalition for Victims of Crime is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Nebraska and America to observe National Crime Victims' Rights Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates and proclaims the week of April 23 to 29 as Nebraska Crime Victims' Rights Week.
2. That the Legislature expresses its gratitude to the many Nebraskans who reach out to lessen the distress of crime victims.
3. That the members of the Legislature encourage all Nebraskans to become active in assisting and supporting victims of crime through volunteer efforts in their communities and through victim assistance centers in their police and prosecutor offices.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 178.

A BILL FOR AN ACT relating to the Interstate Insurance Receivership Compact; to adopt the compact.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner

Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Bohlke
Brashear
Chambers
Day
Dierks
Hillman
McKenzie
Schimek
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 178A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Bohlke
Brashear
Chambers
Day
Dierks
Hillman
McKenzie
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska, and section 13-2039, Revised Statutes Supplement, 1994; to change provisions relating to the land disposal of yard waste and the abatement and removal of nuisances; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Bohlke
Brashear
Chambers
Day
Dierks
Hillman
McKenzie
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 109.

A BILL FOR AN ACT relating to corporations; to amend sections 8-1401, 21-302, 21-305, 21-323, 21-325, 21-329, 21-1301, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2439, 30-3214, 44-205.01, 44-206, 44-208.02, 44-224.01, 44-224.04, 44-301, 44-2128, 44-2916, 44-3112, 44-32,115, 44-3312, and 44-3812, Reissue Revised Statutes of Nebraska, and sections 9-614, 21-2209, 23-3586.01, 33-101, and 67-248.02, Revised Statutes Supplement, 1994; to adopt the Business Corporation Act; to eliminate the Nebraska Business Corporation Act; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 21-2001 to 21-2003, 21-2005 to 21-2012, 21-2014 to 21-2026, 21-2028, 21-2031 to 21-2035, 21-2037 to 21-2051, 21-2053 to 21-2069, 21-2071.01 to 21-2074, 21-2077 to 21-20,138, and 21-20,140 to 21-20,144, Reissue Revised Statutes of Nebraska, and sections 21-2004, 21-2027, 21-2029, 21-2030, 21-2036, 21-2052, 21-2070, 21-2071, 21-2075, 21-2076, and 21-20,139, Revised Statutes Supplement, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Elmer
Robinson

Excused and not voting, 7:

Bohlke
Chambers
Day
Hillman
McKenzie
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 109A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 109, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 7:

Bohlke
Chambers
Day
Hillman
McKenzie
Stuhr
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 123. With Emergency.

A BILL FOR AN ACT relating to teachers and administrators; to amend sections 79-1233 and 79-1247.05, Reissue Revised Statutes of Nebraska; to change provisions relating to substitute teachers and temporary certificates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen

Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-341, Reissue Revised Statutes of Nebraska; to provide for commercial and business delinquency charges; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Beutler

Present and not voting, 2:

McKenzie
Schmitt

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 470.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-705 and 31-707, Reissue Revised Statutes of Nebraska, and section 31-733, Revised Statutes Supplement, 1994; to increase salaries for trustees and clerks; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 614.

A BILL FOR AN ACT relating to debt; to amend section 45-205, Reissue Revised Statutes of Nebraska, and section 45-137, Revised Statutes Supplement, 1994; to change provisions relating to installment loans and revolving charge agreements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to animal pests; to eliminate provisions relating to the presence and extermination of prairie dogs; and to outright repeal sections 2-1062 and 2-1063, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Jensen
Robak
Withem

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 145.

A BILL FOR AN ACT relating to water wells; to amend sections 46-602 and 46-659, Revised Statutes Supplement, 1994; to change provisions relating to the registration of water wells; to change provisions relating to replacement water wells; to redefine a term; to change provisions relating to permits for certain water wells; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 350.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-209, 46-226.02, and 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to proceedings and appropriations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Elmer
Schmitt

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 407.

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-906 and 57-911, Reissue Revised Statutes of Nebraska, and section 57-919, Revised Statutes Supplement, 1994; to change provisions relating to fees; to change a levy provision; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Brashear

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 65.

A BILL FOR AN ACT relating to elections; to amend sections 32-710, 32-714, and 32-1038, Revised Statutes Supplement, 1994; to change provisions relating to the selection of presidential electors; to change requirements on casting votes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Abboud
Avery
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Robinson

Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 15:

Bernard-Stevens
Beutler
Dierks
Hall
Hartnett
Janssen
Landis
Lindsay
Lynch
McKenzie
Preister
Robak
Schimek
Wesely
Wickersham

Present and not voting, 1:

Withem

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 178, 178A, 42, 109, 109A, 123, 339, 470, 614, 87, 145, 350, and 407.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 240.

A BILL FOR AN ACT relating to employment security; to amend sections 48-627 and 48-630, Reissue Revised Statutes of Nebraska, and sections 48-647 and 48-652, Revised Statutes Supplement, 1994; to provide an eligibility for benefits condition; to clarify authorized withholding from benefits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Coordsen
Crosby
Cudaback

Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Schimek

Excused and not voting, 6:

Bohlke
Chambers
Day
Hillman
Stuhr
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 65 and 240.

UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. LANDIS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 742. Title read. Considered.

Standing Committee amendment, AM0869, found in the Journal on page 1042, was considered.

Mrs. McKenzie renewed the Bohlke pending amendment, AM1019, found in the Journal on page 1177, to the Standing Committee amendment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bohlke amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mrs. McKenzie, Messrs. Bernard-Stevens, and Bromm withdrew their amendment, AM1040, found in the Journal on page 1204.

Mrs. McKenzie and Mr. Bernard-Stevens renewed their pending amendment, AM1313, found in the Journal on page 1392.

Ms. Schimek, Messrs. Lynch, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Landis and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Moore, Frankie - Commission of Industrial Relations -- Business and Labor

Pelzer, Matt - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1995, at 11:00 a.m., were the following bills: 178, 178A, 42, 109, 109A, 123, 339, 470, 614, 87, 145, 350, 407, 65, and 240.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1685

(Amendments to Final Reading copy)

1. On page 7, lines 11 and 12, strike "present and capable of voting"; in line 24 strike "and capable of voting"; and in lines 26 and 27 strike "entitled to vote".

Mr. Hall asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM1679

(Amendments to Standing Committee amendments, AM1400)

1. Insert the following new sections:

"Sec. 4. Section 81-1107, Reissue Revised Statutes of Nebraska, is amended to read:

81-1107. The Director of Administrative Services is hereby vested with the duties, powers, and responsibilities involved in:

(1) The preparation of the executive budget and execution of the approved budget except as otherwise provided by law, including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods, and organization;

(2) The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for all purposes;

(3) The review and approval of financing agreements for the purposes of protecting the credit of the state, insuring the most advantageous terms, providing for proper accounting of financial transactions, complying with the approved budget, and promoting sound financial management;

(4) The operation of such storerooms and warehouses as may be necessary;

(5) The allotment of space in the State Capitol building and other state office buildings to the various departments and agencies according to their needs and the space available except as provided in ~~sections~~ section 81-1108.21; ~~and 81-1108.22;~~

(6) The supervision of telephone, mailing, messenger, duplicating, central data processing, and other like services adaptable to economical and centralized management;

(7) The planning, review, and preparation of a state

capital construction budget; and

(8) The development, maintenance, and operation of a statewide intergovernmental data services system.

The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government while retaining ultimate direction and control.

Sec. 10. Section 81-1108.21, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.21. (1) All office space in the capitol building or in any other state office building assigned to the executive, judicial, or legislative branches of government ~~on April 6, 1976,~~ shall remain under the control of the branch assigned such space unless the space is required by the legislative branch as determined by the Legislature upon the recommendation of the Executive Board of the Legislative Council. ~~except as provided in this subsection. When space is made available as the result of the movement of agencies into the new state office building, the state building division shall coordinate relocation of offices in the capitol building. A plan sanctioned by the Governor and Executive Board of the Legislative Council shall be developed by the division by June 1, 1976. The plan shall accommodate permanent private offices for each member of the Legislature and shall provide sufficient space for operations through 1980. Such plan shall include adequate legislative hearing rooms, relocation of press facilities, and support staff of such agencies. No space shall be taken from either the judicial or legislative branch without the consent of the Chief Justice or the Legislature if in session, or by the Executive Board of the Legislative Council if the Legislature is not in session, respectively. The needs for space of the Legislature shall be determined by the Legislature if in session and by the Executive Board of the Legislative Council if the Legislature is not in session. Except as provided in this subsection, no required space shall be taken from the executive branch without concurrence of the Governor.~~

(2) ~~The~~ After the determination by the Legislature pursuant to subsection (1) of this section, the administrator shall be responsible to the director for the determination of the space needs of all other departments and agencies of the state and for the assignment of the remaining office space. ~~within the executive branch.~~ The determination of such needs shall be based on considerations of: (a) ~~Space available~~ The availability of space as provided in this section within the capitol building and other state office buildings; (b) the desirability of locating all divisions and other organizational subunits of each department and agency of the state in physical proximity to the office of its head; (c) the degree to which the convenience of the public may be served by assignment of various areas within the capitol building

or other state office buildings to the agencies and departments having requirements for direct dealing with the public in accordance with the volume of such dealings and the nature of the population served; (d) the interdependence of functions and operating procedures of the various agencies with one another as such interdependence may be efficiently accommodated through physical proximity in the location of assigned space; (e) applicable standards governing office requirements as may be developed; (f) proposed additions to functions or programs or creation of new functions or programs as authorized and required by action of the Legislature; (g) the availability of appropriations with which to finance renovations, remodeling and movement of equipment necessary to accommodate any proposed assignment or reassignment of area; (h) the degree to which funds raised by general taxation or having effect on the level of general taxation shall be affected by any proposed assignment of space outside the capitol building or other state office buildings; and (i) conformity to federal standards in the assignment of space in buildings constructed with federal funds.

(3) The division shall have responsibility for provision and replacement of lighting, lighting fixtures, heating, cooling and ventilation, janitorial, custodial, and all other building services, including care and custody of the capitol buildings and grounds as may now be provided by law.

(4) Responsibility for employment and supervision of custodial and janitorial workers for areas of the capitol building occupied by the Legislature, the courts, and executive departments and agencies shall be in accordance with such agreements as may be defined by authorized representatives of the three branches. All ~~;~~ ~~PROVIDED, that all~~ funds for improvements, remodeling, renovation, partitioning or replacement of major fixtures, including carpeting, flooring, provision of drapes, lighting fixtures, and lamps, within any area of the capitol building or other state office building shall be at the disposal of the administrator.".

2. On page 6, strike line 4, show as stricken, and insert the following new subdivision:

"(c) To procure and manage office space and assign the remaining office space after the Legislature has made its determination pursuant to subsection (1) of section 81-1108.21;".

3. On page 25, line 7, after the second comma insert "81-1107,"; and in line 8 after the second comma insert "81-1108.21,".

4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 872. Placed on Select File.
LEGISLATIVE BILL 265. Placed on Select File.

LEGISLATIVE BILL 146. Placed on Select File.
LEGISLATIVE BILL 146A. Placed on Select File.

LEGISLATIVE BILL 397. Placed on Select File as amended.
E & R amendment to LB 397:
AM7114
1. On page 5, line 3, strike "where" and insert "when".

(Signed) David I. Maurstad, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95031

DATE: April 18, 1995

SUBJECT: LB 337 - Constitutionality of Legislation Regulating the Initiative and Referendum Petition Process; Impact of LR 6CA on LB 337

REQUESTED BY: Senator M.L. Dierks
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested the Attorney General's opinion on three questions relating to the constitutionality of LB 337, and the relationship between LB 337 and LR 6CA - both of which pertain to the initiative and referendum petition process.

I. Constitutionality of LB 337

Your first question is "whether the provisions of LB 337, which include requirements for public hearings, publication and distribution of information, submission of proposals to the Revisor of Statutes, minimum residency requirements of petition circulators, and labeling of petition forms violate the current version of the Nebraska Constitution. . . ." To answer this question, we must analyze the provisions of LB 337 in light of Neb. Const. art. III, § 4 and Nebraska case law interpreting that provision. To fully address your question, it is also necessary to examine the provisions of LB 337 under the First Amendment.

A. Provisions of LB 337

LB 337 (as printed in the Enrollment and Review Amendment) (AM 7061) (March 16, 1995) amends portions of Nebraska's Election Act and repeals original sections 32-101, 32-202, 32-628, 32-1404, 32-1405, 32-1409, and 32-1413. The substantive provisions, for purposes of this discussion, are as follows:

Section 2 requires the Secretary of State to develop a manual for election commissioners and county clerks describing the initiative and referendum process.

Section 3 amends Neb. Rev. Stat. § 32-628 (Cum. Supp. 1994) to require that each sheet of a petition contain a statement in sixteen-point or larger type in red ink specifying whether the petition is being circulated by a paid circulator or a volunteer circulator.

Section 4 amends § 32-1404 to require that petition circulators shall have been registered to vote in Nebraska for one month prior to circulating an initiative or referendum petition.

Section 5 requires that a statement of the object of the petition and the text of the measure be filed with the Secretary of State prior to obtaining any signatures. This section further provides:

> (2) Upon receipt of the filing, the Secretary of State shall transmit the text of the proposed measure to the Revisor of Statutes. The Revisor of Statutes shall review the proposed measure and suggest changes as to form and draftsmanship. The revisor shall complete the review within ten days after receipt from the Secretary of State. The Secretary of State shall provide the results of the review and suggested changes to the sponsor but shall otherwise keep them confidential for five days after receipt by the sponsor. The Secretary of State shall then maintain the opinion as public information and as a part of the official record of the initiative. The suggested changes may be accepted or rejected by the sponsor.
>
> (3) The Secretary of State shall prepare five camera-ready copies of the petition from the information filed by the sponsor and any changes accepted by the sponsor and shall provide the copies to the sponsor within five days after receipt of the review required in subsection (2) of this section. The sponsor shall print the petitions to be circulated from the forms provided.
>
> (4) The changes made to this section by this legislative bill shall apply to initiative and referendum petitions filed on or after the effective date of this act.

Section 6 amends § 32-1409 and provides that the election commissioner or county clerk must check the petition signer's signature, printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer is a registered voter. If any of the above information from the registration records does not match the information from the petition, the signature and address are presumed to be invalid. Under current law, the signature and address are presumed to be valid if the election commissioner or county clerk has found the signer to be a registered voter.

Section 7 provides:

> (1) The Secretary of State shall develop and print one informational pamphlet on all initiative and referendum measures to be placed on the ballot. The pamphlet shall include the measure number, the ballot title and text, and the full text of each initiated or referred measure and arguments both for and against each measure.

> (2) The Secretary of State shall write the arguments for and against each measure, and each set of arguments shall consist of no more than two hundred fifty words. Information for the arguments may be provided by the sponsors of the measure, opponents to the measure, and other sources.
>
> (3) The Secretary of State shall distribute the pamphlets to election commissioners and county clerks at least six weeks prior to the election. The election commissioners and county clerks shall immediately make the pamphlets available in their offices and in at least three other public locations that will facilitate distribution to the public.

The Secretary of State is given full control over the contents of the arguments presented for and against each measure in the pamphlets, and no requirement of objectivity is specified.

Section 8 provides:

> After the Secretary of State certifies the initiative and referendum measures for the ballot under subsection (3) of section 32-1411, the Secretary of State shall hold one public hearing in each congressional district for the purpose of allowing public comment on the measures. Notice of each hearing shall be published once in a newspaper of general circulation in the congressional district in which the meeting will be held not less than five days prior to the hearing. The hearings shall be held not more than eight weeks prior to the election.

B. Constitutional Requirements for Laws Regulating the Initiative and Referendum Process.

1. Initiative and Referendum are Cherished and Fundamental Rights of Nebraska Citizens.

The Nebraska constitutional provisions dealing with petitions for initiative and referendum are cherished and fundamental rights. Article III, Section 1, provides in part:

> The people reserve for themselves, however, the power to propose laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature.

Article III, Section 2 provides in part:

> The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measures shall be set forth at length.

Article III, Section 3 provides in part:

> The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act.

Article III, Section 4 provides in part:

> The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation.

(Emphasis added).

In State ex rel. Brant v. Beermann, 217 Neb. 632, 350 N.W.2d 18 (1984), the Nebraska Supreme Court commented on the above constitutional provisions. The court described the precious nature of the initiative and referendum process:

> By the foregoing constitutional provisions the people of the State of Nebraska have reserved the power to propose and enact laws independent of the Legislature. Consequently, the Legislature and the electorate are concurrently equal in rank as sources of legislation. Provisions authorizing the initiative should be construed in such a manner that the legislative power reserved in the people is effectual. See Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966); State ex rel. Morris v. Marsh, 183 Neb. 521, 162 N.W.2d 262 (1968); Adams v. Bolin, 74 Ariz. 269, 247 P.2d 617 (1952). Such right reserved in the people of Nebraska is so precious and jealously guarded that the Governor cannot veto measures initiated by the people. See Neb.Const. art. III, §4.
>
> "The right of initiative is precious to the people and is one which the courts are zealous to preserve to the fullest tenable measure of spirit as well as letter." McFadden v. Jordan, 32 Cal.2d 330, 332, 196 P.2d 787, 788 (1948). . . .
>
> Provisions concerning the initiative, the legislative power reserved to the people, should receive liberal construction to effectuate the policy proposed and adopted by the initiative as a part of the democratic process. See State v. Davis, 418 S.W.2d 163, (Mo. 1967); cf. State ex rel. Boyer v. Grady, 201 Neb. 360, 269 N.W.2d 73 (1978) (powers of the initiative and referendum regarding municipalities are to be liberally construed to permit, rather than restrict, the power and to attain, rather than prevent, its object).

Id. at 636, 350 N.W.2d at 21. See also State ex rel Morris v. Marsh, 183 Neb. 521, 545, 162 N.W.2d 262 (1968) ("The powers reserved to the people by initiative and referendum acts have long been regarded as sacrosanct. . . .").

2. Nebraska's Constitutional Standard of Review

Statutory enactments may not directly or indirectly limit, curtail, or destroy the rights of initiative and referendum, which are expressly declared to be self-executing. The Legislature may only facilitate the initiative process. If the Legislature hinders these rights, the statute is unconstitutional and void.

Under the Nebraska Constitution, the people, by means of the initiative and referendum, are of equal status as a legislative body with the legislature.

> Under Nebraska constitutional provisions vesting the legislative power of the state in the Legislature, but reserving to the people the right of initiative and referendum, the Legislature, on the one hand, and the electorate on the other, are coordinate legislative bodies, and

> there is no superiority of power between the two. In the absence of specific constitutional restraint, either may amend or repeal the enactments of the other.

Klosterman v. Marsh, 180 Neb. 506, 511, 143 N.W.2d 744, 748 (1966) (emphasis added). See also State ex rel. Brant v. Beermann, 217 Neb. at 636, 350 N.W.2d at 21. Thus, an act by the legislature restricting the initiative and referendum process is similar to an act by one house of a bicameral legislature purporting to restrict the powers of the other house. Such acts must be closely scrutinized. See Urevich v. Woodard, 667 P.2d 760, 762 (Colo. 1983) ("Any law that limits this 'fundamental right {to petition} at the very core of our republican form of government' is viewed with the closest scrutiny."). See also Citizens for Financially Responsible Government v. City of Spokane, 99 Wash.2d 339, 351, 662 P.2d 845, 852 (1983) (". . . deliberate efforts by a legislative body to circumvent the initiative or referendum rights of an electorate will not be looked upon favorably by this court.").

a. The Legislature may only make laws which facilitate the initiative process.

The Nebraska Supreme Court has construed the constitutional provisions dealing with initiative and referendum petitions as precious and fundamental rights reserved in the people free from interference by the Legislature, save only the legislative right to pass laws which facilitate the initiative and referendum process. Stenberg v. Beermann, 240 Neb. 754, 485 N.W.2d 151 (1992); State ex rel. Morris v. Marsh, 183 Neb. 520, 524-25, 162 N.W.2d 262, 265, 266 (1968); Klosterman v. Marsh, 180 Neb. 506, 513, 143 N.W.2d 744, 749 (1966); State ex rel. Winter v. Swanson, 138 Neb. 597, 598, 294 N.W. 200, 201 (1940); State ex rel. Ayres v. Amsberry, 104 Neb. 273, 276-77, 177 N.W. 179, 180 (1920), vacated, 104 Neb. 273, 178 N.W. 822 (1920) (on unrelated jurisdictional grounds).

The Nebraska Supreme Court has consistently applied the standards set forth in Amsberry to statutes regulating the initiative and referendum process. The court's resolve to declare unconstitutional any statute which does not facilitate the initiative and referendum process was set forth in Amsberry as follows:

> Bearing upon the question of the construction of the statute, we have to consider also the language of the initiative and referendum amendment to the Constitution as follows: "This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation." Const., art. III, sec. 1D. Under this provision, legislation permissible must be such as frees the operation of the constitutional provisions from obstruction or hindrance. Any legislation which would hamper or render ineffective the power reserved to the people would be unconstitutional.
>
> . . .
>
> Laws to facilitate the operation of the amendment must be reasonable, so as not to unnecessarily obstruct or impede the operation of the law.

Id. at 276, 277, 177 N.W. at 180 (emphasis added).

> The amendment under consideration reserves to the people the right to act in the capacity of legislators. The presumption should be in favor of the validity and legality of their act. The law should be construed, if possible, so as to prevent absurdity and hardship and so as to favor public convenience.

Id. at 278, 177 N.W. at 180.

Legislation which may be enacted to facilitate the operation of the initiative process must be reasonable so as not to obstruct or impede unnecessarily the operation of the law. Id. at 277, 177 N.W. at 180. See State ex rel. Winter v. Swanson, 138 Neb. 597, at 599, 294 N.W. 200, at 201 (1940). The Amsberry test was applied by the Nebraska Supreme Court as recently as 1992 in Stenberg v. Beermann, 240 Neb. 754.

i. The word "facilitate" means to "make easy" or "less difficult".

The word "facilitate" is a common term and is always defined as meaning:

> . . . to make easy or less difficult; to free from difficulty or impediment, as to facilitate the execution of a task; to free more or less completely from hindrance or obstruction; to free from difficulty, obstruction or hindrance; to lessen the labor of; to make more easy or less difficult; to assist.

35 C.J.S. Facilitate, pgs. 487, 488 (1960). Both Black's Law Dictionary, p. 531 (5th ed. 1979) and Webster's New Collegiate Dictionary, p. 410 (1974), confirm this common sense definition. Legislative acts which unnecessarily restrict the petition process impede rather than facilitate (make less difficult) the operation of Article III, §§ 2-3.

ii. The effect of legislation regulating the powers of initiative and referendum must be examined from the perspective of individual citizens.

The first and second rights reserved to the people of the State of Nebraska are the powers of initiative and referendum. Although these powers are a right of the "people", they are individual rights as well. They can be exercised by any one citizen. Consequently, legislation regulating the powers of initiative and referendum must be examined from the perspective of individual citizens. See, e.g., Colorado Project-Common Cause v. Anderson, 178 Colo. 1, 6, 495 P.2d 220, 222 (Colo. 1972) ("Any legislation which directly or indirectly limits, curtails or destroys the rights given by {constitutional initiative} provisions is invalid as violative of the rights reserved by the people themselves.").

b. Legislation which prevents fraud or renders intelligible the purpose of the proposed law is generally permissible under article III, § 4.

In State ex rel. Winter v. Swanson, 138 Neb. 597, 599, 294 N.W. 200, 201 (1940), the court stated:

> We think the constitutional provision authorizing the legislature to enact laws to facilitate the operation of the initiative power means

> that it may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposed law or constitutional amendment. See State v. Amsberry, 104 Neb. 273, 177 N.W. 179. Any legislative act which tends to insure a fair, intelligent, and impartial result on the part of the electorate may be said to facilitate the exercise of the initiative power.

Id. Thus, prevention of fraud is a legitimate statutory purpose. However, any provision with this purpose must be reasonable, and not contradict the general rules discussed above. This would exclude "anti-fraud" measures which do nothing to prevent fraud beyond the prevention inherent in restrictions which hamper or render the initiative power ineffective by reducing the number of citizens involved.

It is longstanding law in Nebraska that "Constitutional provisions with respect to the right of initiative and referendum reserved to the people should be construed to make effective the powers reserved." Lawrence v. Beermann, 192 Neb. 507, 508, 222 N.W.2d 809, 810 (1974); Ayres v. Amsberry, 104 Neb. at 278, 177 N.W. at 180; Klosterman v. Marsh, 180 Neb. at 513, 143 N.W.2d 749. In State ex rel. Morris v. Marsh, the court stated, "The decisions almost universally hold that the power of initiative must be liberally construed to promote the democratic process and that the right of initiative constitutionally provided should not be circumscribed by restrictive legislation. . . ." 183 Neb. at 531, 162 N.W.2d at 269.

C. Analysis of LB 337 under Article III, § 4.

At issue, then, is whether the provisions of LB 337 restrict, hamper, obstruct, limit, or impede the right of initiative and referendum, or whether the provisions facilitate the process. Permissible provisions to "facilitate" the process include those which prevent fraud, or render intelligible the purpose of a proposed law or insure a fair, intelligent or impartial result on the part of the electorate. We will examine each section, of LB 337, separately.

Section 2, which requires development of a manual for election officials, clearly facilitates the initiative and referendum process. Section 5, which requires submission of proposed measures to the Revisor of Statutes for comment, serves to "render intelligible the purpose of the proposed law or constitutional amendment" and "tends to insure a fair, intelligent, and impartial result on the part of the electorate." Consequently, it is also constitutionally permissible. We note that this conclusion is based, in part, on the fact that the delays associated with Section 5 are minimal, and that the petition sponsor is free to reject any changes suggested by the Revisor of Statutes.

Section 7, which requires development of informational pamphlets, is likely constitutional as well, as it arguably "tends to insure a fair, intelligent, and impartial result on the part of the electorate." We caution, however, that if the "arguments both for and against" prepared by the Secretary of State are not objective, the provision could have the effect of hampering, or impeding the initiative process in violation of article III, § 4. Consequently, we believe a court would hold that this provision impliedly requires fairness as to the contents of the pamphlets.

Similarly, Section 8 (public hearings) arguably tends to insure a fair, intelligent, and impartial result on the part of the electorate, and is thus permissible under article III, § 4. Such hearings would, of course, have to be conducted so as to not impede or hinder the process.

Section 3 is only slightly different from current law, and requires each sheet of a petition to contain a statement in sixteen-point or larger type in red ink specifying whether the petition is being circulated by a paid circulator or a volunteer circulator. This section is subject to some doubt, but is arguably constitutional.

In August of 1992, a suit was filed in the United States District Court for the District of Nebraska by former State Senator John DeCamp, on behalf of Nebraskans For Political Reform, challenging the constitutionality of this same provision under Neb. Const. art. III, §§ 2-4 and the First Amendment of the U.S. Constitution. The Attorney General's Office succeeded in getting the suit dismissed in October of 1992. However, the State's Motion to Dismiss was granted "based on grounds of abstention" since the issue was more properly one for state court determination. Nebraskans For Political Reform v. Stenberg, et al., 4:CV92-3118 (Memorandum and Order on Defendants' Motions to Dismiss, Oct. 13, 1992). If Section 3 of LB 337 is challenged, a court would have to determine whether the large red notice regarding whether the circulator was paid is a legitimate means to prevent fraud and/or insure a fair and impartial result, or whether it unreasonably restricts, hampers, obstructs, limits or impedes the right of initiative. The provision would also have to pass scrutiny as a restriction on free speech under the U.S. Constitution. Although it is a close question, section 3 is arguably constitutional, and this office would defend the section, if challenged, as it did in 1992.

Section 4 requires petition circulators to be registered to vote in Nebraska for one month prior to circulating an initiative or referendum petition. The Attorney General's Office has already successfully defended the general requirement that petition circulators be registered voters. In Clean Environment Committee v. Beermann, Docket 486, Page 94 (Lancaster County District Court 1992), the plaintiffs alleged that the requirement that circulators be registered voters violates Neb. Const. art. III, § 3 and the First Amendment of the U.S. Constitution. The Lancaster County District Court held, however, that

> The requirement that petition circulators be registered voters facilitates fraud prevention in concrete and substantive ways. Voter registration ensures a readily available and important means for keeping track of petition circulators. It also provides a handwriting sample for use in determining the validity of circulator signatures. When the Secretary of State or a county clerk or election commissioner has a question about some aspect of the validity of a petition or petition signature, he or she can locate the circulator by use of the voter registration records.

(Order at 5). The court also found the registration requirement does not violate the First Amendment. The Court held, "The registered voter requirement is a narrowly tailored requirement which serves the compelling state interest to prevent fraud and ensure the integrity of the initiative process without unduly burdening the right to free speech." (Order at p.6). The district court's decision was consistent with prior federal court decisions including Libertarian Party v. Beermann, 598 F.Supp. 57, 65 (D.Neb. 1984), in which the court stated, "there is a compelling state interest to prevent . . . fraud. It is reasonable that petition circulators . . . be registered voters of the State of Nebraska. . . ." See also Merritt v. Graves, 702 F.Supp. 828 (D.Kan. 1988) (upholding Kansas' requirement that petition circulators be registered voters).

Section 4, however, goes a step beyond these cases and imposes a requirement that circulators not only be registered voters, but that they be registered for one month prior to circulating a petition. This likely creates a constitutional infirmity, since the only requirement to sign a petition under the Nebraska Constitution is that the signer be a registered voter. No waiting period is imposed. See Neb. Const. art. III, §§ 2, 3. In Colorado Project-Common Cause v. Anderson, 495 P.2d 220 (Colo. 1972), the court held that a Colorado statute requiring petition circulators to be registered voters "unconstitutionally diminishes the class of people permitted by the constitution to . . . circulate initiative petitions." Id. at 222. The court's decision was based on the discrepancy between the statutory requirement for circulators (registered voters only) and signers (all legal voters and qualified electors). The Court concluded, "The statutory requirement that the signing and circulating of petitions must be by registered electors rather than permitting qualified electors to carry on these functions is therefore a limitation not authorized by the constitution and is impermissible." Id. LB 337 creates a similar disparity between the constitutional requirement under art. III, §§ 2, 3, and the statutory requirement for circulators. Thus, Section 4 would likely be held to violate Neb. Const. art. III.

This conclusion is supported by a prior Nebraska case. In 1988, the District Court of Douglas County concluded the then-existing discrepancy under Neb. Rev. Stat. §§ 32-705 and 32-713 between the qualifications to circulate an initiative petition (a "registered and qualified voter") and to sign a petition (a "qualified" voter) rendered the statutory scheme unconstitutional. On appeal, the Nebraska Supreme Court noted,

> The district court concluded the 'registered voter' requirement of § 32-705, as an additional qualification to be a circulator of an initiative petition, would discourage circulation of an initiative petition and thereby curtail or discourage a form of political expression protected by the first amendment to the U.S. Constitution.

State v. Monastero, 228 Neb. 818, 823, 424 N.W.2d 837 (1988), appeal dismissed, Monastero v. Nebraska, 488 U.S. 936, 109 S.Ct. 358

(1988). The Supreme Court, however, held "the district court's ruling concerning § 32-705 was unnecessary for disposition of the defendants' constitutional challenge to § 32-713 as vague." Id. at 841. The court vacated the findings of the district court and stated "we express no opinion concerning the constitutionality of any provision of § 32-705" since the issue was not before the court. Id.

Even if Nebraska courts refused to follow the reasoning employed by the Colorado Supreme Court in Anderson, Section 4 likely also violates the "facilitate" requirement of Article III of the Nebraska Constitution. Although voter registration requirements for circulators have been upheld as fraud prevention measures, there would appear to be little or no increased fraud prevention by imposing a one month waiting period. The arguments used to uphold registration requirements are no stronger with a one month delay added. Consequently, a waiting period would likely be held to constitute a punitive measure designed to restrict the number of circulators, and thus unconstitutionally restrict, hamper or impede the initiative process.

Section 6 of LB 337 creates a presumption of invalidity for any signature on an initiative petition if the signer's signature, printed name, street and number or voting precinct, and city, village, or post office address do not match corresponding information in voting registration records (regardless of whether election officials determine the signer is, in fact, a registered voter). Consequently, under the requirements of Section 6 if a person signs a petition as "Cap", but the voter registration record lists him as "Merton", or if a person lists his or her address on the petition as "Rural Route, Ewing, NE", but the voter registration records show the address as HC 81, Box 42, Ewing, NE, the signature or address would apparently be presumed invalid.

In State ex rel. Morris v. Marsh, 183 Neb. 521, 527, 162 N.W 262 (1968), the court stated, with respect to petition signatures challenged on the basis of incomplete circulator names, "If presumptions are to be indulged in, the presumption ought to be that acts performed in the circulation of petitions are legal rather than fraudulent." Id. at 529. The court stated that in light of "the specific constitutional provisions preserving the right of initiative, presumptions must be in favor of legality rather than illegality." Id. at 528. See also id. at 531 ("The amendment under consideration reserves to the people the right to act in the capacity of legislators. The presumption should be in favor of the validity and legality of their act."). The court also validated signatures involving addresses of signers where ditto marks were used for all or part of the address. Id. at 532. Whereas the court's determination in Morris was based on constitutional requirements, we believe a Nebraska court would find Section 6 of LB 337 to be impermissible. We fail to see how this provision constitutes legislation to "facilitate" the operation of the process. On the contrary, it would appear to "impede," or "hamper or render ineffective the power reserved to the people." As such, it violates Neb. Const. art. III, § 4. Stenberg v. Beermann, 240 Neb. at 756; Amsberry, 104 Neb. at 276.

D. Restrictions on the Initiative and Referendum Process Must also be Scrutinized Under The First Amendment of the United States Constitution and Article I, Section 5 of the Nebraska Constitution.

In addition to examination under Article III, Section 4 of the Nebraska Constitution, restrictions on the initiative and referendum process must also be scrutinized under the free speech clauses of the First Amendment of the United States Constitution and Article I, § 5 of the Nebraska Constitution (treated herein as synonymous with the First Amendment).

Section 4 of LB 337 arguably limits the size of the audience a circulator may reach and makes it less likely the circulator will garner the number of signatures necessary to place a matter on the ballot because it requires a one month delay after registering to vote, in the event the circulator is not already registered. It is likely this portion of LB 337 would be challenged as violating the free speech clause of the First Amendment of the U.S. Constitution and the free speech clause of Article I, Section 5 of the Constitution of the State of Nebraska.

1. Applicable First Amendment Standard of Review - Strict Scrutiny.

The circulation of initiative and referendum petitions constitutes core political speech protected by the First and Fourteenth Amendments. The United States Supreme Court has held that expression of political ideas is the highest form of protected speech and is entitled to strict scrutiny to prevent state infringement. See Meyer v. Grant, 486 U.S. 414, 421, 108 S.Ct. 1886, 1892 (1988); State v. Monastero, 228 Neb. 818, 825, 424 N.W.2d 837, 843 (1988), appeal dismissed, Monastero v. Nebraska, 488 U.S. 936, 109 S.Ct. 358 (1988) ("{s}peech protected by the first amendment to the U.S. Constitution includes the free expression or exchange of ideas, the communication of information or opinions, and the dissemination and propagation of views and ideas, as well as the advocacy of causes.").

In State v. Radcliffe, 228 Neb. 868, 424 N.W.2d 608 (1988), the Nebraska Supreme Court concluded a Nebraska statute prohibiting the payment of petition circulators violated the First Amendment and was of no force or effect. Id. at 872, 424 N.W.2d at 611. The court's First Amendment analysis in Radcliffe is relevant here.

> U.S. Const. amend. I provides in part that "Congress shall make no law . . . abridging the freedom of speech . . . ." That guarantee is made applicable to the states by the requirement of U.S. Const. amend. XIV that no state "deprive any person of . . . liberty . . . without due process of law. . . ." Meyer v. Grant, {486 U.S. 414, 420, 108 S.Ct. 1886, 1891 (1988)}. (Other citations omitted).
>
> The U.S. Supreme Court, in Meyer v. Grant, supra, recently reaffirmed that the freedom of speech guaranteed by the first amendment embraces at least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The Meyer Court went on to observe that the circulation of an initiative petition of necessity involves

> both the expression of a desire for political change and a discussion of the merits of the proposed change. Recognizing that a petition circulator need not necessarily persuade a potential petition signer that a particular proposal should prevail, the Court observed that, nonetheless, a circulator would, in order to obtain a signature, at least have to persuade a potential signer that the matter is one deserving of the public scrutiny and debate that would attend its consideration by the whole electorate. The Court reasoned that in almost every case this will involve an explanation of the nature of the proposal and why its advocates support it, and thus concluded that the circulation of an initiative petition "involves the type of interactive communication concerning political change that is appropriately described as 'core political speech.' " {Meyer v. Grant, at 421, 422, 108 S.Ct. at 1892}. As such, statutes limiting the power of the initiative are to be " 'closely scrutinized and narrowly construed.' "

Id. (emphasis added). Thus, Section 4 of LB 337 would likely be subject to strict scrutiny by the courts with respect to its validity under the First Amendment.

2. The One Month Registration Requirement in LB 337 Limits the Size of the Audience a Circulator May Reach; Makes it Less Likely the Circulator will Garner the Requisite Number of Signatures, and is not Narrowly Tailored to Meet the State's Interest in Fraud Prevention.

In Radcliffe, the Nebraska Supreme Court stated:

> The {U.S. Supreme} Court noted {in Meyer} that it is often more difficult to get people to work without compensation than it is to get them to work for pay. Proceeding from that premise, the Meyer Court concluded that the Colorado statute restricted political expression both by limiting the number of circulators and, thus, the size of the audience reached by those who sought to initiate an amendment to the Colorado Constitution so as to exempt motor carriers from certain regulation, and by reducing the likelihood of garnering the number of signatures required to place the issue on the ballot, thereby limiting the ability of its proponents to make the issue the focus of statewide discussion.

Id. at 871, 424 N.W.2d at 610 (emphasis added). These concerns apply equally to a waiting period for newly registered circulators. Furthermore, the argument that the waiting period ensures petition drives have grass-roots support is insufficient to get the restriction past First Amendment scrutiny even supposing it were true. In Radcliffe, the court stated as follows regarding Meyer:

> Nor was the Court persuaded by the argument that the payment ban was justified by Colorado's interest in assuring that an initiative has sufficient grassroots support to be placed on the ballot. The Court observed that such interest was adequately protected by the requirement that no initiative proposal might be placed on the ballot unless the required number of signatures (at least 5 percent of the qualified voters) was obtained.

Radcliffe, 228 Neb. at 871, 424 N.W.2d at 610. As in Meyer and Radcliffe, the interest in assuring that an initiative has sufficient grass-roots support is adequately protected by the requirement that no initiative proposal may be placed on the ballot unless the required number of signatures is obtained.

As discussed, supra, at 11, fraud prevention may constitute a compelling state interest sufficient to enable a statute to survive even strict scrutiny. See Libertarian Party, 598 F.Supp. at 65. However, fraud prevention statutes must be narrowly tailored. A statute containing a one month waiting period, in addition to the registration requirement, is not narrowly tailored to meet the state's interest in fraud prevention, as it adds nothing to the safeguards discussed in Clean Environment Committee v. Beermann, supra at 11. Rather it appears to be a punitive measure.

Thus, as with the restrictions in Meyer and Radcliffe, the one month registration requirement in LB 337 likely violates the First Amendment. Section 4 restricts political expression by limiting the number of circulators and, thus, the size of the audience reached by those who desire to circulate petitions, and by reducing the likelihood of garnering the number of signatures required to place the issue on the ballot, thereby limiting the ability of citizens to make an issue the focus of statewide discussion. It goes beyond permissible registration requirements, and is not narrowly tailored to meet the State's interest in fraud prevention.

II. Constitutionality of LB 337 Under Proposed Constitutional Revision.

Your second question involves the constitutionality of LB 337 under LR 6CA, as amended. A recent amendment to LR 6CA would remove the limitation on legislative regulation of the initiative process as discussed in section I, above. In its place, the Nebraska Constitution would be amended to read, ". . . the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum."[1]

"General laws" are those which "embrace the whole of a subject, with their subject matter of common interest to the whole state." Haman v. Marsh, 237 Neb. 699, 709, 467 N.W.2d 836 (1991). "By definition, a legislative act is general, and not special, if it operates alike on all persons of a class or on persons who are brought within the relations and circumstances provide for. . . ." Id.

Thus, the amendment to LR 6CA removes virtually all restraint on legislative regulation of the referendum and initiative petition process from the Nebraska Constitution. No longer would the Legislature be prohibited from enacting legislation which would "hamper," "obstruct," "limit," or "impede" the right of initiative, so long as such legislation did not run afoul of other constitutional provisions. Consequently, the provisions of LB 337 would almost certainly be permissible within the broad parameters of "general laws" under LR 6CA, as amended. We note, however, that the amendment would not remove First Amendment constraints.

III. Ratification and Confirmation of Unconstitutional Legislation By Subsequent Constitutional Amendment.

Your final question asks whether the approval by voters in the November 1996 election of LR 6CA would have any impact on the constitutionality of LB 337, assuming it is approved in the 1995 legislative session. Specifically, you ask whether LB 337 would need to be re-enacted after November 1996.

In Op. Att'y Gen. No. 92064 (April 27, 1992), this office responded to former Senator Scott Moore's question of whether, if LB 1063 was unconstitutional when enacted, the bill would be validated by subsequent adoption of LR 219CA. Our analysis from that opinion is applicable here.

> {T}he question remains as to whether, if the property tax provisions of LB 1063 are unconstitutional for the reason articulated in part I, supra, of this opinion, the bill may be successfully defended against a constitutional challenge if LR 219CA is adopted, by virtue of the express ratification clause contained in the constitutional amendment.
>
> It is well-established that an unconstitutional statute is wholly void from the time of its enactment and is not validated by such a statute. E.g., Fellows v. Shultz, 81 N.W. 496, 469 P.2d 141 (1970); Matthews v. Quinton, 367 P.2d 932 (Alaska 1961; Banaz v. Smith, 133 Cal. 102, 65 P. 309 (1901). See generally Annot., 171 A.L.R. 1070, 1070-1072 (1947); 16 C.J.S. Constitutional Law § 44 (1984); 16 Am.Jur.2d Constitutional Law § 259 (1979). The Nebraska Supreme Court has followed this general principle, holding that "{a}n act of the Legislature that is forbidden by the Constitution at the time of its passage is absolutely null and void, and is not validated by a subsequent amendment to the Constitution authorizing it to pass such an act." Whetstone v. Slonaker, 110 Neb. 343, 344, 193 N.W. 749, 749 (1923) (syllabus of the court). Accord State ex rel. Rogers v. Swanson, 192 Neb. 125, 219 N.W.2d 726 (1974).
>
> An exception to this general rule is recognized, however, where a constitutional amendment expressly or impliedly ratifies or confirms an unconstitutional statute. Under these circumstances, such ratification renders valid antecedent unconstitutional legislation, without reenactment by the legislature, unless such attempted validation would impair the obligation of contracts or divest vested rights. E.g., Bonds v. State Dept. of Revenue, 254 Ala. 553, 49 So.2d 280 (1950); Peck v. City of New Orleans, 199 La. 76, 5 So.2d 508 (1941); Peck v. Tugwell, 199 La. 125, 5 So.2d 524 (1941). See generally Annot., 171 A.L.R. 1070, 1072-1074 (1947); 16 C.J.S. Constitutional Law § 44 (1984); 16 Am.Jur.2d Constitutional Law § 259 (1979).
>
> In a previous opinion (discussed in Part I., supra), we concluded that legislation designed to become operative upon the adoption of a subsequent constitutional amendment would "rest upon infirm constitutional footing, on the ground that a statute which is contrary to the Constitution when enacted cannot be revitalized by a

> subsequent constitutional amendment, ..." Report of Attorney General 1965-66, Opinion No. 61, p. 89, 91. Discussing the principle articulated by the Nebraska Supreme Court in Whetstone v. Slonaker, supra, that an act contrary to the Constitution when enacted is void from its enactment and is not validated by a later amendment to the Constitution authorizing its passage, we stated the following:
>
> > True, apparently the constitutional amendment involved in the Whetstone case contained no express provision purporting to ratify or confirm the statute in question. However, the Nebraska court has been so emphatic in its pronouncements to the effect that a statute which is contrary to the form of the Constitution when enacted is, for all purposes absolutely null and void and is as though the statute had never been passed in the first instance, that we are inclined to believe that the court would adopt the view that a statute which is in its terms contrary to the Constitution at the time of passage can never be validated by any constitutional amendment, even though such amendment might contain a ratification clause.
>
> Report of Attorney General 1965-66, Opinion No. 61, supra, at 91.
>
> . . .
>
> While LR 219CA contains an express ratification clause purporting to validate legislation enacted during the 1992 regular legislative session, there is no guarantee that our state supreme court would uphold the effectiveness of such an attempt to revitalize LB 1063, should it be determined that the statute was contrary to the Constitution when enacted.
>
> For these reasons it is our strong recommendation that if LR 219CA is approved by the voters, that the Legislature reconvene for the purpose of re-enacting LB 1063 or its equivalent. Any other course of action would be nothing more than a legal gamble, which if lost, could have very serious consequences for the people of Nebraska.

Op. Att'y Gen. 92064 at 7-9. This opinion was further validated just three months later when the Nebraska Supreme Court held, in Jaksha v. State, 241 Neb. 106, 110, 486 N.W.2d 858 (1992), that although the people of the state voted on May 12, 1992, to amend the uniformity clause of article VIII, § 1, that LB 829 (which was being challenged in the case) had to be reviewed under the Constitution as it existed on June 11, 1991.

We believe the Nebraska Supreme Court would follow the general rule set forth in Whetstone and Rogers v. Swanson, and hold that an act of the Legislature (LB 337 in this case) that is forbidden by the Constitution at the time of its passage is absolutely null and void, and is not validated by a subsequent amendment to the Constitution. This is especially likely since LR 6CA contains no ratification clause purporting to validate LB 337. Consequently, we conclude LB 337, to the extent it violates Neb. Const. art. III, § 4, would need to be re-enacted after November 1996 under the scenario set forth in your opinion request.

IV. Conclusion and Summary

In response to your first question, we conclude that of the nine sections of LB 337, two sections are unconstitutional. Section 4's one-month waiting period for newly registered petition circulators violates Article III of the Nebraska Constitution as well as the First Amendment of the United States Constitution. Section 6's presumption of invalidity for signatures and addresses not matching voting records violates Article III, § 4 of the Nebraska Constitution.

In response to your second question, LR 6CA, as amended, removes virtually all restraint on legislative regulation of the initiative and referendum process from the Nebraska Constitution. Consequently, Sections 4 and 6 of LB 337 would be permissible within the broad parameters of "general laws" under LR 6CA, as amended. Section 4, however, would still be subject to challenge under the First Amendment.

Finally, in response to your third question, we believe LB 337 would need to be re-enacted after November 1996 in order for Sections 4 and 6 to be adjudicated under the more lenient standard in LR 6CA, as amended.

[1] LR 6CA, as introduced, was clearly intended to restore the initiative and referendum process to its status prior to the Nebraska Supreme Court's decision in Duggan v. Beermann, 245 Neb. 907, 515 N.W.2d 788 (1994), in which the court effectively increased the number of petition signatures required to place a proposal before the voters. Since then, a two-tiered signature requirement scheme has been incorporated into LR 6CA. As indicated in Op. Att'y Gen. No. 95005 (Jan. 26, 1995), we believe this portion of LR 6CA is unconstitutional in that it violates the First and Fourteenth Amendments by impermissibly burdening the freedom of speech.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

cc: Clerk of the Legislature
3-2008-3

Opinion No. 95032

DATE: April 17, 1995

SUBJECT: Proposed Amendment to LB 613; Does the Term "Municipality" Used in Neb. Rev. Stat. § 77-3439 (Cum. Supp. 1994) Include Townships

for Purposes of the Exception to the Budget Lid
Contained in That Statute?

REQUESTED BY: Senator M. L. Dierks
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Subsections (3) and (4) of Neb. Rev. Stat. § 77-3439 (Cum. Supp. 1994) state as follows:

> (3) In addition to the increase {in property taxes} permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs upon an affirmative vote of the governing body. Such a vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.
>
> (4) In addition to the increase {in property taxes} permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for repairs to infrastructure damaged by a natural disaster which is declared a natural emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973 not reimbursed by state or federal emergency funds upon an affirmative vote of a majority of the governing body. Such a vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

You have asked for our opinion as to ". . . whether a township is included within the meaning of a municipality for purposes of the exception to the budget lid provided in Subsections 3 & 4 of Section 77-3439?" You are apparently contemplating introduction of an amendment to LB 613 which would specifically include townships in the budget lid exceptions contained in subsections (3) and (4) of § 77-3439 should we conclude that the term "municipality" in those subsections does not embrace townships. In our view, "municipality" as it is used in subsections (3) and (4) of § 77-3439 does not include townships.

Neb. Rev. Stat. §§ 77-3437 through 77-3441 (Cum. Supp. 1994) create a lid on the level of property taxes which may be imposed by various governmental subdivisions in the State of Nebraska. Section 77-3437 contains a number of definitions for terms which are used in

§§ 77-3437 through 77-3441. However, the word "municipality" is not defined in § 77-3437. Therefore, we must look elsewhere to ascertain what is included within that term.

In State v. Cheyenne County, 127 Neb. 619, 256 N.W. 67 (1934), the Nebraska Supreme Court engaged in the following discussion of the differences between a public corporation and a municipal corporation under Nebraska law:

> Corporations are generally classed as public and private. While the municipality is a public corporation, it does not follow that every public corporation is a municipality. * * *
>
> * * * A municipal corporation is a legal institution formed by charter from sovereign power, erecting a populous community of prescribed area into a body politic and corporate with corporate name and continuous succession and for the purpose and with the authority of subordinate self-government and improvement and local administration of affairs of state. The foregoing definition presents the logical and practical view of a municipal corporation. It is a brief formula embracing the essential elements and excluding other kindred bodies called quasi corporations. It expressly includes: The body of individuals; the sanction of the sovereign; the definite public purpose; the necessary powers; the charter; and the primary incidents of name and succession. These are the elements generally recognized as essential to a municipal corporation. It impliedly excludes parishes, counties, townships, and districts, which are almost municipalities and yet are deficient in some of the essential attributes of a municipal corporation; while it expresses the complex nature of the corporation, whereby it acts as a municipium, and also as a local agency for administering and enforcing the laws of the state.

Id at 623, 624, 256 N.W. at 70 (citations omitted) (emphasis added). This language from the Cheyenne County case indicates that a municipality is generally something separate and apart from a township, and that a township is not a municipality. On the basis of this authority, it appears to us that "municipality" in § 77-3439 would not include a township.

Our determination concerning the inclusion of township within the meaning of "municipality" is supported by the legislative history of LB 220, the bill which added subsections (3) and (4) to § 77-3439 in 1993. The committee statement from the Legislature's Revenue Committee, which considered that bill, summarized the bill's purpose, in part, as follows:

> LB 220 would exempt city expenditures for A.D.A. compliance and wage agreements or orders from the 0% property tax request lid provided in sections 77-3437 et. seq.

Committee Statement on LB 220, 92nd Neb. Leg., 2nd Sess. (Jan. 28, 1993) (emphasis added). In addition, Senator Landis, the introducer of LB 220, commented on the bill during floor debate, and stated:

> Let me make clear that every tool available under 220 is available to Wayne County as it is available to every city or county and that

> allows for growth to be used. That allows for the ADA and the natural disaster.

Floor Debate on LB 220, 92nd Neb. Leg., 2nd Sess. 5384 (May 14, 1993) (Statement of Sen. Landis) (emphasis added). We believe that these references to "city" and "city expenditures" in connection with LB 220 indicate that the bill was intended to deal with municipalities as they were defined in the Cheyenne County case, and that the bill was not intended to reach townships.

Finally, the other portions of the statutes dealing with local property tax lids support our conclusion that "municipality" as it is used in subsections (3) and (4) of § 77-3439 does not include townships.

While the term "municipality" is not defined in § 77-3437, the term "governing body" is. The latter provision has the same definition as "governing body" in Neb. Rev. Stat. § 13-503 (Cum. Supp. 1994), and clearly includes townships and town boards within the term "governing body." Subsection (1) of § 77-3439 provides for increases in property taxes by the "governing bodies" of governmental subdivisions in certain instances, while subsections (3) and (4) of the same section provide for increases in property taxes by a "municipality or county" in certain instances. It seems to us that if "municipality or county" was intended to have the same inclusive meaning as "governing body," there would have been no need to use different terms in the various subsections of § 77-3439. As a result, we do not believe that "municipality" in subsections (3) and (4) was intended to include townships.

For these various reasons, it does not appear that a township is included within the meaning of "municipality" for purposes of the exception to the budget lid provided in subsections (3) and (4) of § 77-3439. If you wish to include townships within subsections (3) and (4), you should proceed with your amendment to LB 613.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-32-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 31 fourth grade students and teacher from Friend Elementary; 26 seniors and sponsor from Ralston High School; 50 fourth grade students and sponsors from Morton Elementary, Lexington; 48 fourth grade students and sponsors from Wasmer Elementary, Grand Island; 55 fourth grade students and sponsors from Alcott Elementary, Hastings; 25 eighth grade students and teacher from District 10, Columbus; and 75 students and sponsors from LaVista.

RECESS

At 12:03 p.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hillman, Messrs. Engel, and Withem who were excused; and Messrs. Abboud, Dierks, Elmer, Hall, Kristensen, Landis, Lindsay, Warner, Will, Ms. Day, Mmes. Pirsch, and Stuhr who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Legislative Program Evaluation

LEGISLATIVE BILL 886. Placed on General File as amended. (Standing Committee amendment, AM1606, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 450. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 572. Placed on Select File.
LEGISLATIVE BILL 514. Placed on Select File.

LEGISLATIVE BILL 669. Placed on Select File as amended.
E & R amendment to LB 669:
AM7115

1. On page 1, lines 2 and 3, strike "provide for the waiver of" and insert "change".

2. On page 2, line 11, after "any" insert "Nebraska" and strike "of the State of Nebraska" and show as stricken.

LEGISLATIVE BILL 499. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 742. The McKenzie-Bernard-Stevens pending amendment, AM1313, found in the Journal on page 1392, to the pending Standing Committee amendment, was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The McKenzie-Bernard-Stevens amendment was adopted with 33 ayes, 2 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA156
Amend McKenzie Amendment (AM1313)
Page 1, line 5 strike beginning with "All" through "regulation" in line 10.

Messrs. Hall, Schrock, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mrs. McKenzie offered the following amendment to the Standing Committee amendment:
FA157
Amend AM1313
Strike on page 1 - line 5 beginning with "All" through "regulation." on line 10.
On line 13 after the word "law" insert "rules and regulations that could". Strike in line 13 "that should."

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The McKenzie amendment was adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 671. Placed on Select File as amended.
E & R amendment to LB 671:
AM7118

1. In the Standing Committee amendments, AM0640:

a. On page 1, line 6, strike "may," and insert ", may";

b. On page 2, line 6, strike "association" and insert "society"; in line 13 after "State" insert a comma; in line 16 after "reinstatement" insert "of a county agricultural society"; and in line 17 strike "done" and insert ", done,";

c. On page 3, line 7, after "existence" insert "of a county agricultural society"; and

d. On page 4, line 14, strike the comma.

2. On page 1, line 1, after "renewal" insert ", restoration,"; and in line 2 strike "agricultural associations" and insert "county agricultural societies" and before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 856. Placed on Select File.

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendment to LB 309:
AM7117

1. On page 5, line 6, strike "the"; in line 14 before "subsections" insert "(4)"; in line 16 strike "(4)" and insert "(5)"; and in line 21 strike "(5)" and insert "(6)".

LEGISLATIVE BILL 805. Placed on Select File.
LEGISLATIVE BILL 598. Placed on Select File.
LEGISLATIVE BILL 739. Placed on Select File.
LEGISLATIVE BILL 774. Placed on Select File.
LEGISLATIVE BILL 140. Placed on Select File.
LEGISLATIVE BILL 207. Placed on Select File.

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendment to LB 693:
AM7119

1. On page 1, line 3, strike "the minimum governmental transfer amounts" and insert "a date for an intergovernmental transfer".

LEGISLATIVE BILL 693A. Placed on Select File.

LEGISLATIVE BILL 205. Placed on Select File as amended.
E & R amendment to LB 205:
AM7116

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 84-304, Reissue Revised Statutes of Nebraska, is amended to read:

84-304. (1) It shall be the duty of the Auditor of Public Accounts:

(a) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or with regard to any duty of his or her office;

(b) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

(c)(i) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, (ii) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of an agricultural association formed under Chapter 2, article 20, county agricultural society, joint airport authority formed under ~~Chapter 3, article 7~~ the Joint Airport Authorities Act, city or county airport authority, development district, regional council, drainage district, fire protection district, health district, historical society, hospital authority or district, county hospital, housing authority, irrigation district, regional, county, or municipal library, community mental health center, railroad transportation safety district, rural water district, township, or the Wyuka Cemetery, and (iii) to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts. An examination of any volunteer department as defined in section 35-901 shall not include an examination of the volunteer department trust fund. Whenever the expenditures of a fire protection district are less than one hundred fifty thousand dollars per fiscal year, the fire protection district shall be audited no more than once every five years except as directed by the board of directors of the fire protection district or unless the Auditor of Public Accounts waives the five-year audit requirement upon the submission of a written request by the fire protection district in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts shall notify the fire protection district in writing of the approval or denial of a request for waiver. The Auditor of Public Accounts shall appoint two assistant deputies (A) whose entire time shall be devoted to the service of the state as directed by the auditor, (B) who shall be certified public accountants with at least five years' experience, (C) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, (D) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (E) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State; and

(d) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The Auditor of Public Accounts may contract with any political subdivision to perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-2210.04 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund.

(2) Nothing in this section shall be construed to authorize or require the Auditor of Public Accounts to perform any auditing functions relating to the Legislature, the Legislative Council, the Executive Board of the Legislative Council, or any member of the Legislature.

Sec. 2. Original section 84-304, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 742. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA158
Amend McKenzie Amend. (AM1313)
Strike subsection (3) of section 2. (p. 1393 of Journal)

Mrs. Hudkins and Mr. Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WESELY PRESIDING

Messrs. Schrock, Maurstad, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 559. Title read. Considered.

MR. COORDSEN PRESIDING

Mr. Lindsay and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following amendment:
FA159
Add a new section:
"The provisions of LB 559 shall sunset on Jan. 1, 2,000"

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely amendment lost with 2 ayes, 24 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Avery
Brashear
Brown
Coordsen
Dierks
Elmer
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Pirsch
Robak
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 10:

Bernard-Stevens
Beutler
Chambers
Day
Hall
Hartnett
Landis
Schellpeper
Schimek
Wesely

Present and not voting, 1:

Crosby

Excused and not voting, 13:

Abboud
Bohlke
Bromm
Cudaback
Engel
Hillman
Lindsay
Maurstad
McKenzie
Pedersen
Preister
Witek
Withem

The motion to cease debate prevailed with 25 ayes, 10 nays, 1 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 4 nays, 4 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 851. Placed on General File as amended. (Standing Committee amendment, AM1629, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM1684

(Amendments to Standing Committee amendments, AM1400)

1. On page 17, lines 9 and 18, after "gift" insert "of", after "bequest" insert "of", and before "real" insert "(a)"; in line 10 after the first comma insert "(b)" and after the second comma insert "or (c)"; and in line 19 after the first comma insert "(b)" and after "or" insert "(c)".

Ms. Day asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

AM1693

(Amendments to Standing Committee amendments, AM1026)

1. Insert the following new section:

"Sec. 25. The Director of Social Services shall issue a report to the Legislature on or before January 31 of each year which will disclose the number of professional and occupational licenses which were revoked as a result of the License Revocation Act for the prior year. The director of Motor Vehicles shall issue a report to the Legislature on or before January 31 of each year which will disclose the number of operator's licenses which were suspended as a result of the License Revocation Act for the prior year.".

2. On page 1, line 3, strike "24" and insert "25".

3. On page 15, line 8, after "(7)" insert "Either parent may request the court to modify a child support order by filing with the court a motion requesting modification and an affidavit of modification. Forms and instructions shall be available from any clerk of a district court. Service shall be made upon the other parent and, if necessary, upon the county or authorized attorney. Upon receipt of the motion and affidavit from the requesting parent, the court shall set the matter for hearing. Upon a showing that service has been made and notice of hearing properly sent, the

court shall conduct a hearing on the request for child support modification. Forms, instructions, and procedures required for modification requests by parents shall be developed by the Supreme Court.

In a modification action, if the application of the child support guidelines to the current earning capacity of the parents (a) would change the child support obligation by ten percent or more and which is at least twenty-five dollars more or less than the child support now ordered and (b) the change in earning capacity is due to circumstances that have lasted for at least three months and can reasonably be expected to last an additional six months, there is a rebuttable presumption of a material change of circumstances.

(8)".

4. On page 16, line 12, strike "(8)", show as stricken, and insert "(9)".

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

(Amendment, AM1673, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 50 seventh grade students and sponsor from West Point Guardian Angel, West Point; and Bruno Chiaverini from Lyon, France.

The Doctor of the Day was Carolyn Fairfax from Lincoln.

ADJOURNMENT

At 5:19 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, April 20, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-FIFTH DAY - APRIL 20, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 20, 1995

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Alvin Trucano, United Methodist Church, Table Rock, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Wesely, Mmes. Hillman, Hudkins, Robak, and Stuhr who were excused; and Messrs. Bernard-Stevens, Brashear, Dierks, Engel, Hall, Kristensen, Landis, Lindsay, Will, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 96. Introduced by Fisher, 35.

WHEREAS, local law enforcement personnel and senior citizens in Hall County have decided to join together by forming a Triad Chapter and a SALT (Seniors and Lawmen Together) Team to assist in crime prevention; and

WHEREAS, Grand Island Police Captain Kyle Hetrick and Director Tom Miller of the Nebraska Law Enforcement Training Center will attend a Triad conference in St. Louis, Missouri, later this month; and

WHEREAS, volunteers from senior citizen organizations will supplement law enforcement in projects throughout Hall County.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature supports the efforts of citizens who have chosen to donate their time and energy toward problem solving in their communities and congratulates them on their willingness to serve.

Laid over.

COMMUNICATION

Received House Concurrent Resolution 2015 from the State of Arizona asserting the sovereignty of the state under the Tenth Amendment to the Constitution of the United States.

REPORTS

The following reports were received by the Legislature:

Highway Commission, State
  Quarterly Report (Neb. Rev. Stat. § 39-1111 (1988))

Investment Finance Authority, Nebraska (NIFA)
  Single Family Housing Revenue Bonds (Neb. Rev. Stat. § 58-270)

Social Services, Department of
  Child Protective Services Staffing Report (§ 68-1207.01)

GENERAL FILE

LEGISLATIVE BILL 889. Title read. Considered.

Mr. Chambers offered the following amendment:
FA160
  Strike Emergency Clause.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Abboud
Beutler
Chambers
Pedersen
Pirsch
Schmitt
Witek
Withem

Voting in the negative, 17:

Brashear
Brown
Crosby
Cudaback
Day
Hartnett
Jensen
Kristensen
Landis
Lynch
Maurstad
Preister
Robinson
Vrtiska
Warner
Wehrbein
Wickersham

Present and not voting, 13:

Avery
Bohlke
Coordsen
Dierks
Elmer
Fisher
Janssen
Jones
Matzke
McKenzie
Schellpeper
Schimek
Schrock

Excused and not voting, 11:

Bernard-Stevens
Bromm
Engel
Hall
Hillman
Hudkins
Lindsay
Robak
Stuhr
Wesely
Will

The Chambers amendment lost with 8 ayes, 17 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Dierks and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not voting.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

MRS. CROSBY PRESIDING

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Avery
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Janssen
Kristensen
Lynch
Maurstad
McKenzie
Preister
Robinson
Schellpeper
Schimek
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 11:

Abboud
Bernard-Stevens
Beutler
Chambers
Fisher
Jones
Pedersen
Pirsch
Schrock
Witek
Withem

Present and not voting, 4:

Coordsen
Jensen
Matzke
Schmitt

Absent and not voting, 1:

Landis

Excused and not voting, 8:

Bromm
Hillman
Hudkins
Lindsay
Robak
Stuhr
Wesely
Will

Advanced to E & R for review with 25 ayes, 11 nays, 4 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Schmitt, Landis, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 455. The Hall pending amendment, AM1480, found in the Journal on page 1623, was renewed.

SPEAKER WITHEM PRESIDING

Mr. Hall withdrew his amendment.

Messrs. Lindsay and Dierks withdrew their amendment, FA149, found in the Journal on page 1631.

Mr. Dierks offered the following amendment:
AM1559

1. In the Standing Committee amendments, AM1397:

a. Strike amendments 3 and 4 and insert the following new amendments:

"3. On page 9, strike lines 1 through 3, 18 and 19, and 23 and 24; in line 4 strike '(f)' and insert '(d)'; in line 6 strike '(g)' and insert '(e)'; in line 7 strike '(h)' and insert '(f)'; in line 9 strike '(i)' and insert '(g)'; in line 11 strike '(j)' and insert '(h)'; in line 13 strike '(k)' and insert '(i)'; in line 16 strike '(l)' and insert '(j)'; in line 20 strike '(n)' and insert '(k)'; in line 22 strike '(o)' and insert '(l)'; in line 25 strike '(q)' and insert '(m)'; and in line 27 strike '(r)' and insert '(n)'.

4. On page 10, line 1, strike '(s)' and insert '(o)'; in line 3 strike '(t)' and insert '(p)'; in line 4 strike '(u)' and insert '(q)'; in line 6 strike '(v)' and insert '(r)'; in line 8 strike '(w)' and insert '(s)'; in line 12 strike '(x)' and insert '(t)'; in line 14 strike '(y)' and insert '(u)'; in line 16 strike '(z)' and insert '(v)'; in line 19 strike '(aa)' and insert '(w)'; in line 20 strike '(bb)' and insert '(x)'; and in line 22 strike '(cc)' and insert '(y)'.";

b. On page 3, line 22, strike the period, show as stricken, and insert an underscored semicolon; and strike lines 23 through 27 and show as stricken; and

c. On page 4, strike line 1 and show as stricken.

Messrs. Schrock, Abboud, Kristensen, Elmer, Fisher, Hall, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?"

Mrs. Bohlke moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Abboud
Beutler
Bohlke
Brown
Coordsen
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pirsch
Preister
Robinson
Schmitt
Warner
Wehrbein
Witek

Voting in the negative, 7:

Avery
Bernard-Stevens
Chambers
Crosby
Dierks
Engel
Lindsay

Present and not voting, 7:

Brashear
Hartnett
Schellpeper
Schimek
Vrtiska

Wickersham Withem

Absent and not voting, 2:

Cudaback McKenzie

Excused and not voting, 13:

Bromm Fisher Hudkins Schrock Wesely
Day Hall Pedersen Stuhr Will
Elmer Hillman Robak

The motion to cease debate lost with 20 ayes, 7 nays, 7 present and not voting, 2 absent and not voting, and 13 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 646. Placed on Select File as amended.
E & R amendment to LB 646:
AM7120

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the County Revenue Assistance Act.

Sec. 2. The Legislature finds that:

(1) County property owners should be given some relief from the obligation of providing mandated indigent defense services which in most instances are required because of state laws establishing crimes and penalties;

(2) Property tax relief can be accomplished if the state begins to assist the counties with the obligation of providing indigent defense services required by state laws establishing crimes and penalties;

(3) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also increase accountability because the state, which is the governmental entity responsible for passing criminal statutes, will likewise be responsible for paying some of the costs;

(4) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also improve inconsistent and inadequate funding of indigent defense services by the counties;

(5) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also lessen the impact on county property taxpayers

of the cost of a high profile death penalty case which can significantly affect the finances of the counties; and

(6) To accomplish property tax relief in the form of the state assisting the counties of Nebraska in providing for indigent defense services, the County Revenue Assistance Fund should be established to fund the operation of the Commission on Public Advocacy.

Sec. 3. The County Revenue Assistance Fund is created. The fund shall be used for the operations of the commission. The fund shall consist of money appropriated from the General Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. For purposes of the County Revenue Assistance Act:

(1) Chief counsel means an attorney appointed to be the primary administrative officer of the commission pursuant to section 10 of this act;

(2) Commission means the Commission on Public Advocacy;

(3) Contracting attorney means an attorney contracting to act as a public defender pursuant to sections 23-3404 to 23-3408;

(4) Court-appointed attorney means an attorney other than a contracting attorney or a public defender appointed by the court to represent an indigent person;

(5) Indigent defense services means legal services provided to indigent persons by an indigent defense system;

(6) Indigent defense system means a system of providing services, including any services necessary for litigating a case, by a contracting attorney, court-appointed attorney, or public defender;

(7) Indigent person means a person who is indigent and unable to obtain legal counsel as determined pursuant to rules of the Supreme Court; and

(8) Public defender means an attorney appointed or elected pursuant to sections 23-3401 to 23-3403.

Sec. 5. The Commission on Public Advocacy is created. The commission shall provide legal services and resources to assist counties in fulfilling their obligation to provide for effective assistance of counsel for indigent persons.

Sec. 6. The commission shall consist of nine members appointed by the Governor from a list of attorneys submitted by the executive council of the Nebraska State Bar Association after consultation with the board of directors of the Nebraska Criminal Defense Attorneys Association. A member shall be appointed from each of the six Supreme Court judicial districts, and three members shall be appointed at large. The executive council of the Nebraska State Bar Association shall ensure that the selection process promotes appointees who are independent from partisan political influence. To be eligible for appointment, a person shall be a member of the Nebraska State Bar Association who has substantial experience in criminal defense work and, at the time of selection or at any time during the term of office, shall not be a prosecutor, law enforcement official, or judge. All members shall be committed to the principle of providing indigent defense services free from unwarranted judicial or political influence. Each member shall serve for a term of six years, except that three of the initial appointees shall serve terms of two years and three shall serve terms of four years as designated by the Governor. Members may be removed from the commission by the Governor for cause.

Sec. 7. The Governor shall designate one of the members of the commission as the chairperson. The members of the commission shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.

Sec. 8. Five members of the commission constitute a quorum for the transaction of business. The commission may act by a majority of the members present at any meeting at which a quorum is in attendance.

Sec. 9. The commission shall:

(1) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purpose;

(2) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(3) Plan improvements in the indigent defense systems and promote their implementation;

(4) Make or encourage studies of any aspect of indigent defense systems;

(5) Accept and administer loans, grants, and donations from the United States and its agencies, the State of Nebraska and its agencies, and other sources, public and private, for carrying out the functions of the commission;

(6) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under this section with agencies of state or local government, corporations, or persons;

(7) Acquire, hold, and dispose of personal property in the exercise of its powers;

(8) Oversee statewide data collection for the indigent defense systems in Nebraska on such topics as costs, caseloads, use of resources, and workloads; and

(9) Provide legal services to indigent persons through the divisions in section 12 of this act.

Sec. 10. The commission shall appoint a chief counsel. The responsibilities and duties of the chief counsel shall be defined by the commission and shall include the overall supervision of the workings of the various divisions of the commission. The chief counsel shall be qualified for his or her position, shall have been licensed to practice law in the State of Nebraska for at least five years prior to the effective date of the appointment, and shall be experienced in the practice of criminal defense, including the defense of capital cases. The chief counsel shall serve at the pleasure of the commission. The salary of the chief counsel shall be set by the commission.

Sec. 11. The chief counsel shall:

(1) Supervise the operations of the appellate division, the capital litigation division, and the major case resource center;

(2) Prepare a budget for the operations of the commission;

(3) Present to the commission an annual report on the operations of the commission, including an accounting of all funds received and disbursed, an evaluation of the cost-effectiveness of the commission, and recommendations for improvement;

(4) Allocate and disburse funds appropriated for the operations of the commission pursuant to guidelines established by the commission;

(5) Appear before and provide assistance to the Legislature and other relevant bodies regarding matters related to the indigent defense systems;

(6) Convene conferences and training seminars related to the various types of indigent defense systems;

(7) Perform other duties related to the administration of indigent defense systems as directed by the commission;

(8) Establish and administer projects and programs for the operation of the commission;

(9) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(10) Adopt and promulgate rules and regulations for the management and administration of policies of the commission and the conduct of employees of the commission;

(11) Collect, develop, and maintain statistical information, records, and reports which the commission determines are relevant to its functions;

(12) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;

(13) Execute and carry out all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons; and

(14) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 12. The following divisions are established within the commission:

(1) The capital litigation division shall be available to

assist in the defense of capital cases in Nebraska, subject to caseload standards of the commission;

(2) The appellate division shall be available to prosecute appeals to the Court of Appeals and the Supreme Court, subject to caseload standards of the commission; and

(3) The major case resource center shall be available to assist public defenders, contracting attorneys, or court-appointed attorneys with the defense of a felony offense, subject to caseload standards of the commission.".

2. On page 1, line 1, strike "revenue and taxation" and insert "indigent defense".

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 97. Introduced by Hall, 7.

WHEREAS, since the initiation of the Irish Peace Process in September 1993 by Gerry Adams and John Hume, representing the leadership of the two political parties which represent the Nationalist Community in the North of Ireland, the issue of a just and lasting peace has been an important matter of public focus in Ireland, Great Britain, and the United States; and

WHEREAS, significant developments have taken place since the initiation of the Irish Peace Process, including, and end to censorship under Section 31 of the Broadcasting Act in Ireland, the Downing Street Declaration by the Prime Ministers of both Ireland and Great Britain, a more flexible policy on visa applications for Irish Republicans by the United States Government, and a complete and total ceasefire by the Irish Republican Army; and

WHEREAS, the right of all nations to national self-determination is a well-established democratic principle under international law; and

WHEREAS, Ireland, one of the oldest civilizations in the world, has historically been prevented from the free exercise of the right to national self-determination; and

WHEREAS, Irish immigrants and Irish Americans have made important and continuing contributions in the fields of law, politics, government, education, labor, medicine, business, and industry to the benefit of American society; and

WHEREAS, the Members of the Legislature of the State of Nebraska, through this body, express their commitment to the principles of equality, justice, peace, and freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the need to demilitarize the conflict in the North of Ireland in order to encourage further progress in the Irish Peace Process based upon democratic principles.

2. That the Legislature calls upon the governments of Ireland and Great Britain to take all steps necessary to begin negotiations along democratic lines with all parties to the conflict without preconditions, in order to provide a framework for the realization of national self-determination for the people of Ireland as a whole.

Laid over.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 765. Placed on General File as amended.
(Standing Committee amendment, AM1654, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Stan Schellpeper, Chairperson

VISITORS

Visitors to the Chamber were 38 fourth grade students and sponsor from Wildwood Elementary, Ralston; Senator Cudaback's mother, sister, and niece, Lena Cudaback, Jane Rumbeck, and Pat Anderson, and The Buffalo County Federation of Republican Women; 40 fourth grade students and sponsors from Yutan Elementary; 30 eighth grade students and sponsors from Blue Hill; third and fourth grade students and teachers from Bradshaw; and 63 fourth grade students and sponsor from Engleman School, Grand Island.

RECESS

At 12:03 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman, Messrs. Wesely, and Withem who were excused; and Messrs. Abboud, Bromm, Coordsen, Kristensen, Landis, Warner, Will, Mmes. Brown, and Pirsch who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 95033

DATE:	April 20, 1995
SUBJECT:	Department of Social Services Medicaid Eligibility of Caretaker Relative
REQUESTED BY:	Senator Don Wesely Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Royce N. Harper, Senior Assistant Attorney General

BACKGROUND

The Health and Human Services Committee recently held a hearing on LB 203. As drafted, the bill changes the references to the medical assistance program from July 30, 1965 to the program as it exists on the effective date of the act.

Question 1: What is the effect of LB 203, if passed, on the ability of the Department of Social Services (DSS) without the consent of the Legislature to change the services offered by the Medical Assistance Program or to change who would be eligible for the program.

Conclusion: The result is that DSS must grant benefits and adhere to eligibility for groups or classes that have been established by the Social Security Act and implemented by federal regulation on the effective date of the Act. The department would not be able to change eligibility standards for a particular group or class without the consent or direction of the legislature. As to services, the legislature has mandated specified services in Neb. Rev. Stat. § 68-1019 (1994 Supp.). DSS has no authority to reduce or alter those services.

Question 2: What is the effect of the Clemens v. Harvey case recently decided by the Nebraska State Supreme Court on the provisions of LB 203.

Conclusion: LB 203 is a response to the Clemens decision which predated the bill. The purpose of LB 203 is to correct an outdated reference to federal law.

Question 3: What is the legal effect on the Medicaid program should LB 203 not become law?

Conclusion: In the event LB 203 does not pass the Department cannot change eligibility standards for a particular group or class but rather will have to adhere to the outdated standards set out in the Federal Act of 1965.

DISCUSSION

The essence of the opinion in Clemens v. Harvey, 247 Neb. 77, 525 N.W.2d 185 (1994), was that the Department cannot by regulation change eligibility standards of a particular class or group without the express permission of the legislature. The court held that since the Federal Act of 1965, adopted by the Nebraska Legislature, provided medicaid coverage for all caretakers of AFDC children, the Department could not, without legislative direction limit eligibility standards by excluding those caretakers who were maintaining a given income level.

In regard to services, there are services that are optional and services that are mandatory. Neb. Rev. Stat. § 68-1019 specifies certain services under medical assistance that are mandated. A review of that section shows a broad inclusive list of specified services. Irrespective of Clemens, DSS has no authority to reduce the specified services set out in Neb. Rev. Stat. § 68-1019.

However, it should be noted that Neb. Rev. Stat. § 68-1019(5) states that the Director of Social Services shall adopt rules and regulations that provide limits as to amount, duration, and scope of services and goods recipients may receive under the medical assistance program, and such limits shall comply with the applicable provisions of Title XIX of the Social Security Act.

LB 203 basically cleans up and clarifies the issue by amending Neb. Rev. Stat. § 68-1021 thus having the legislature accept and assent to all applicable provisions of 42 U.S.C. 1396, as amended on the effective date of LB 203.

In Clemens the court, citing State ex rel Spire v. Stodola, 228 Neb. 107, 421 N.W.2d 436 (1988) held that an administrative agency may not employ its rule making power to modify, alter or enlarge provisions of a statute which it is charged with administering.

The court stated that when the Legislature established the medical assistance program, it adopted the federal medical assistance provisions contained in Title XIX of the Social Security Act. The adoption of the Federal Act was codified at Neb. Rev. Stat. § 68-1018 and 68-1021 (1990). The Federal Act of 1965 designated the classes of persons eligible for medical assistance and caretaker relatives (mothers in the Clemens case were covered without income exceptions). In Clemens the court stated that with the adoption of the medical assistance program, the Legislature made specific reference to existing federal law by accepting and assenting to "all applicable provisions of Title XIX of an Act of Congress identified as H.R. 6675, 89th Congress, approved July 30, 1965."

It is our opinion the LB 203 remedies the problem since it eliminates the reference to the 1965 Federal Act and essentially accepts and assents to the federal provisions (codified at 42 U.S.C. 1396) that exist on the effective date of LB 203. The enactment updates the Nebraska Medicaid statutes as to eligibility standards for AFDC caretakers making them compatible with the Federal Act thus enabling DSS to properly promulgate and implement regulations pursuant to a legislative enactment.

Sincerely,
DON STENBERG
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

15-511-6.8

cc: Patrick J. O'Donnell
Clerk of the Legislature

PROPOSED RULES CHANGE

Mr. Hall asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 5--Bills--General Provisions

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills, ~~and~~ amendments and oneline summaries which give reasonable notice of the general subject matter of the bill. All bills and amendments shall be prepared ~~in proper form~~ when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill ______.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. The title of each bill shall be prepared by the Bill Drafter to comply with Article III, Section 13 of the Nebraska Constitution, and shall give reasonable notice to members of the Legislature and others interested, of the general subject matter of the bill. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 455. The Dierks pending amendment, AM1559, found in the Journal on page 1742, was renewed.

Mr. Janssen moved the previous question. The question is, "Shall the debate now close?"

Mr. Janssen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Mrs. Bohlke requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

Beutler
Bohlke
Brown
Day
Elmer
Fisher
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schmitt
Wehrbein
Wickersham
Witek

Voting in the negative, 11:

Avery
Bernard-Stevens
Chambers
Crosby
Cudaback
Dierks
Engel
Lindsay
Lynch
Preister
Schimek

Present and not voting, 8:

Brashear
Hall
Hartnett
Hudkins
Schellpeper
Schrock
Stuhr
Vrtiska

Excused and not voting, 10:

Abboud
Bromm
Coordsen
Hillman
Kristensen
Landis
Warner
Wesely
Will
Withem

The motion to cease debate lost with 20 ayes, 11 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Dierks moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Dierks requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 17:

Avery
Bernard-Stevens
Chambers
Crosby
Dierks
Engel
Hall
Hartnett
Hudkins
Kristensen
Lindsay
Maurstad
McKenzie
Pedersen

Preister
Schimek
Stuhr

Voting in the negative, 17:

Beutler
Bohlke
Brashear
Bromm
Brown
Day
Elmer
Jensen
Lynch
Matzke
Pirsch
Robinson
Schmitt
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 9:

Coordsen
Cudaback
Fisher
Janssen
Jones
Robak
Schellpeper
Schrock
Vrtiska

Excused and not voting, 6:

Abboud
Hillman
Landis
Wesely
Will
Withem

The Dierks amendment lost with 17 ayes, 17 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 251, 396, 438, 438A, 488, 563, and 563A.

Enrollment and Review Change to LB 563

The following changes, required to be reported for publication in the Journal, have been made:
ER9052

1. In the Day amendment, AM1511:

a. On page 2, line 13, "19" has been struck and "21" inserted; in line 20 "component" has been struck and "a competent" inserted; in line 22 "in line 11" has been inserted before the semicolon; and in line 23 "of" has been inserted after "practice";

b. On page 3, line 7, the matter beginning with the third quotation mark through the last quotation mark has been struck and "the new matter and reinstate the stricken matter" inserted; and

c. On page 4, the matter beginning with "in" in line 6 through the semicolon in line 8 has been struck.

2. On page 1, lines 10 and 11, "and 71-1786" has been struck and "71-1786, and 71-2601" inserted; in line 13 "and" has been struck; and in line 14 ", and the State Board of Health" has been inserted after "Nursing".

3. On page 13, line 3, "intervention" has been struck and "interventions" inserted.

4. On page 14, line 27, the period has been struck, shown as stricken, and an underscored semicolon inserted.

5. On page 17, line 12, "rending" has been struck and "rendering" inserted.

6. On page 19, line 6, an underscored comma has been inserted after "consultant".

7. On page 26, lines 12, 15, 16, 18, 22, and 24, subdivisions have been renumbered to reflect all amendments.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 455. Mr. Janssen offered the following amendment:
FA161
Sec. 6. Page 10. Sub. Sec. T line, 3 Strike (T) cash-out food stamps;

MR. BERNARD-STEVENS PRESIDING

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion lost with 5 ayes, 15 nays, and 29 not voting.

PRESIDENT ROBAK PRESIDING

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 10 nays, and 22 not voting.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Janssen requested a record vote on his amendment.

Voting in the affirmative, 33:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wickersham
Will
Witek

Voting in the negative, 6:

Day
Fisher
Hartnett
Matzke
Warner
Wehrbein

Present and not voting, 2:

Brown
Robak

Excused and not voting, 8:

Abboud
Brashear
Hall
Hillman
Landis
Preister
Wesely
Withem

The Janssen amendment was adopted with 33 ayes, 6 nays, 2 present and not voting, and 8 excused and not voting.

Mrs. Bohlke moved to invoke cloture on LB 455.

Mr. Chambers requested a record vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Avery
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Will

Voting in the negative, 5:

Bernard-Stevens
Chambers
Crosby
Dierks
Lindsay

Present and not voting, 2:

Warner
Witek

Excused and not voting, 8:

Abboud
Brashear
Hall
Hillman
Landis
Preister
Wesely
Withem

The Bohlke motion for cloture prevailed with 34 ayes, 5 nays, 2 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Avery
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Kristensen
Matzke
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Wehrbein
Wickersham
Will

Voting in the negative, 8:

Bernard-Stevens
Chambers
Crosby
Dierks
Hartnett
Jones
Lindsay
Witek

Present and not voting, 6:

Lynch
Maurstad
Schimek
Stuhr
Vrtiska
Warner

Excused and not voting, 8:

Abboud
Brashear
Hall
Hillman
Landis
Preister
Wesely
Withem

Advanced to E & R for review with 27 ayes, 8 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 455A. Title read. Considered.

Messrs. Engel, Kristensen, Vrtiska, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Lynch
McKenzie
Pedersen
Pirsch
Robinson
Schmitt
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 4:

Chambers
Crosby
Lindsay
Witek

Present and not voting, 8:

Dierks
Jones
Matzke
Maurstad
Schellpeper
Schimek
Schrock
Stuhr

Excused and not voting, 12:

Abboud
Brashear
Engel
Hall
Hillman
Kristensen
Landis
Preister
Robak
Vrtiska
Wesely
Withem

Advanced to E & R for review with 25 ayes, 4 nays, 8 present and not voting, and 12 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 742. Placed on Select File as amended.
(E & R amendment, AM7121, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 559. Placed on Select File.

LEGISLATIVE BILL 889. Placed on Select File as amended.
E & R amendment to LB 889:
AM7122
1. On page 3, line 23, strike the comma and insert a semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 285, 346, 451, 527, 574, 589, and 772.

Enrollment and Review Change to LB 574

The following changes, required to be reported for publication in the Journal, have been made:
ER9054

1. On page 3, line 5, "effective" has been struck and "operative" inserted; and in line 6 "act" has been struck and "section" inserted.
2. On page 33, line 27, the comma has been struck and shown as stricken.
3. On page 88, line 20, an underscored comma has been inserted after "Code".
4. On page 158, line 23, the comma has been struck.
5. On page 161, line 13, "the" has been inserted after "mean".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendment to LB 355:
AM1722

1. Insert the following new sections:

"Section 1. Section 53-101, Revised Statutes Supplement, 1994, is amended to read:

53-101. Sections 53-101 to 53-1,121 and sections 12 and 21 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 12. The commission shall require all retail, bottle club, or brewpub licensees to provide proof of liability insurance in such amounts as reasonably protects the financial integrity of the activities authorized by the Nebraska Liquor Control Act. The commission shall adopt and promulgate rules and regulations prescribing the level of insurance necessary for each class of license.

Sec. 17. Section 53-134.04, Reissue Revised Statutes of Nebraska, is amended to read:

53-134.04. Any five residents of the city or village shall have the right to file a complaint with the local governing body of such city or village stating that any retail, ~~or~~ bottle club, or brewpub licensee subject to the jurisdiction of such local governing body has been or is violating any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated ~~or the rules or regulations issued~~ pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor. Such complaint shall be in writing in the form prescribed by the local governing body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the local governing body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall ~~set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint~~ institute an administrative proceeding to suspend, cancel, or revoke the license. The complaint shall in all cases be disposed of by the local governing body within thirty days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order ~~for purposes of appeal to the commission~~ subject to review as provided in section ~~53-1,115~~ 53-1,116.

Sec. 21. For purposes of section 53-1,115, party of record shall mean:

(1) In the case of an administrative proceeding before the commission on the application for a retail, bottle club, or brewpub license:

(a) The applicant;

(b) Each individual protesting the issuance of such license pursuant to subdivision (1)(b) of section 53-133;

(c) The local governing body, if entering an appearance to protest the issuance of such license, or if requesting a hearing pursuant to subdivision (1)(c) of section 53-133; and

(d) The commission;

(2) In the case of an administrative proceeding before a local governing body to suspend, cancel, or revoke a retail, bottle club, or brewpub license:

(a) The licensee; and

(b) The local governing body; and

(3) In the case of an administrative proceeding before the commission to suspend, cancel, or revoke a retail, bottle club, or brewpub license:

(a) The licensee; and

(b) The commission.".

2. On page 14, line 2, after "retail" insert ", bottle club, and brewpub", and after the underscored period insert "An administrative proceeding to suspend, cancel, or revoke a retail, bottle club, or brewpub license instituted by the commission or the local governing body shall bar the other from instituting a proceeding against such license for a violation or violations arising from the same set of facts.".

3. On page 42, line 21, after "be" insert "mailed or".

4. On page 43, line 6, after the underscored period insert "The Administrative Procedure Act shall not apply to hearings before the local governing body held pursuant to this section."; and in line 23 after the underscored period insert "The applicant or local governing body may, prior to or at any hearing

required under subdivision (1)(a), (b), or (c) of section 53-133, file with the commission the record of the hearing before the local governing body on the license application. Such record shall be received and be part of the record of the proceedings before the commission on the license application if such record is certified by the clerk of the local governing body. The cost of transcribing the record of the hearing before the local governing body on the license application shall be borne by the party requesting receipt by the commission of such record.".

5. On page 44, line 8, after the underscored period insert "No such license shall be issued by the commission until the expiration of the time allowed for receipt of the completed form by the commission and the time allowed for the receipt of an objection requiring a hearing under subdivision (1)(a) or (b) of section 53-133 or a request for a hearing under subdivision (1)(c) of such section.".

6. On page 46, line 1, after the underscored comma insert "and"; and strike beginning with the second "the" in line 1 through "(v)" in line 3.

7. On page 48, line 7, strike "four" and insert "two".

8. On page 52, strike beginning with the second underscored comma in line 8 through the underscored comma in line 9; and in line 13 after the underscored period insert "Any administrative proceeding instituted by a local governing body to suspend, cancel, or revoke a license shall be a contested case conducted in accordance with the provisions of the Administrative Procedure Act.".

9. On page 61, strike beginning with "No" in line 4 through the underscored period in line 5; and strike beginning with "For" in line 25 through the underscored period in line 27.

10. On page 64, strike beginning with "sections" in line 7 through "sections" in line 8 and insert "the Administrative Procedure Act. Sections"; and strike the new matter in lines 20 through 28.

11. On page 65, line 1, strike the new matter.

12. On page 66, line 3, after the fourth comma insert "53-134.04,"; and in line 5 after "sections" insert "53-101,".

13. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1508

1. Insert the following new sections:

"Sec. 17. The Department of Social Services shall report to the Legislature annually on or before December 1 of each year on implementation of the Welfare Reform Act and sections 13 to 16 of this act.

Sec. 18. The Welfare Reform Act and sections 13 to 17 of this act terminate on June 30, 1997, unless reenacted or reauthorized by the Legislature.".

VISITORS

Visitors to the Chamber were Senator Jones' grandson, Beau Jones, nine seventh and eighth grade students, and teachers from Mason City; 60 fourth grade students and teacher from Hillside Elementary, Omaha; 12 students, teachers, and sponsors from Beaver Valley; fourth and eighth grade students and teacher from Sacred Heart School, Falls City; Chris Doty from Sioux City, Iowa; and 23 fourth grade students and teacher from Stolley Park School, Grand Island.

ADJOURNMENT

At 4:35 p.m., on a motion by Mr. Pedersen, the Legislature adjourned until 9:00 a.m., Friday, April 21, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-SIXTH DAY - APRIL 21, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 21, 1995

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Ken Tubbsing, St. John's United Church of Christ and St. Paul's United Church of Christ, Cook, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Chambers, Hall, Landis, Lindsay, Wesely, Will, Withem, Mmes. Hudkins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 20, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Barry, Robert - Chicago, IL (Withdrawn 04/14/1995)	MCI Telecommunications Corporation (Withdrawn 04/14/95)
Knapp, Patricia, A. - Lincoln	Nebraska State Grange

Mrasek, Lavonne - Grant	American Association of Retired Persons
Ricca, Dennis - Chicago, IL (Withdrawn 04/14/1995)	MCI Telecommunications Corporation (Withdrawn 04/14/95)

COMMUNICATION

Received a copy of House Concurrent Resolution 945 from the State of Michigan asserting the sovereignty of the state under the 10th Amendment to the Constitution of the United States.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 424. With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-114, 75-115, 75-117, 75-124, 75-301, 75-307, 75-308, 75-314, 75-315, 75-316, 75-319, 75-358, and 75-366, Reissue Revised Statutes of Nebraska, and sections 48-604, 75-109, 75-112, 75-113, 75-116, 75-118, 75-126, 75-128, 75-133, 75-134, 75-136, 75-136.01, 75-302, 75-303, 75-303.01, 75-303.02, 75-304, 75-304.01, 75-305, 75-306, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-370, and 75-371, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to the Public Service Commission and the regulation of motor carriers; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal sections 75-309.03, 75-312, 75-317, and 75-322.02 to 75-322.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Brown
Cudaback
Lynch

Excused and not voting, 13:

Abboud
Avery
Bernard-Stevens
Chambers
Hall
Hillman
Hudkins
Landis
Lindsay
Pirsch
Wesely
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 448.

A BILL FOR AN ACT relating to physical therapists; to amend sections 71-2802 and 71-2819, Reissue Revised Statutes of Nebraska, and section 71-2803.01, Revised Statutes Supplement, 1994; to change provisions relating to temporary practitioners and credentials and relating to fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Jensen
Lynch

Excused and not voting, 12:

Abboud
Bernard-Stevens
Chambers
Hall
Hillman
Hudkins
Landis
Lindsay
Pirsch
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 448A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 12:

Abboud
Bernard-Stevens
Chambers
Hall
Hillman
Hudkins
Landis
Lindsay
Pirsch
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 467. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-115, 60-308, 60-311.12, 60-479, 60-483, 60-4,115, 60-4,119, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 37-1287, 60-302, 60-462, 60-484, 60-4,118, 60-4,181, 60-6,298, and 60-1513, Revised Statutes Supplement, 1994; to change the disposition of fees; to eliminate a fund; to provide for employer checks of the National Driver Register; to provide a fee; to change provisions relating to physical impairment and renewal of operator's licenses; to change provisions relating to special permits to operate vehicles on certain highways; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 60-1514, Revised Statutes Supplement, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Lynch
McKenzie

Excused and not voting, 11:

Abboud
Bernard-Stevens
Chambers
Hall
Hillman
Hudkins
Landis
Lindsay
Wesely
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to change provisions relating to educational institutions and disqualification for benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Lynch
McKenzie

Excused and not voting, 9:

Abboud
Bernard-Stevens
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 862.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-215, Revised Statutes Supplement, 1994; to change age limitations on permits to kill deer, antelope, and elk; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Fisher
Preister

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 187. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-993.01 and 85-9,151, Reissue Revised Statutes of Nebraska; to change a reference to a federal index; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Cudaback
Fisher
Preister

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 194. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-701, 17-204, and 17-701, Reissue Revised Statutes of Nebraska, and sections 16-704, 17-202, 17-706, 32-532, and 32-811, Revised Statutes Supplement, 1994; to change the fiscal years of certain cities and villages; to change provisions relating to appropriations; to change provisions relating to the election and terms of office of village boards of trustees; to provide duties for the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to community college boards of governors; to amend section 85-1507, Reissue Revised Statutes of Nebraska; to change provisions relating to voting on contracts and appropriations as provided; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 381. With Emergency.

A BILL FOR AN ACT relating to the materiel division of the Department of Administrative Services; to amend section 81-161.04, Reissue Revised Statutes of Nebraska; to change provisions relating to proceeds from the sale of surplus property; to create a fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 2:

Beutler
Warner

Present and not voting, 1:

Kristensen

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 381A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 381, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Janssen
Kristensen
Vrtiska

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins

Landis
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 434. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend section 49-1499, Reissue Revised Statutes of Nebraska, and section 2-3311, Revised Statutes Supplement, 1994; to authorize a private sector qualified state soybean board for a federal program; to provide duties for the Soybean Development, Utilization, and Marketing Board, the Director of Agriculture, the Auditor of Public Accounts, and the State Treasurer; to eliminate the Nebraska Soybean Resources Act, a board, and a fund; to transfer funds; to provide operative dates; to repeal the original sections; to outright repeal sections 2-3301, 2-3303 to 2-3310, and 2-3315 to 2-3324, Reissue Revised Statutes of Nebraska, section 2-3302, Revised Statutes Supplement, 1994, and section 2-3311, Revised Statutes Supplement, 1994, as amended by section 8 of this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 449.

A BILL FOR AN ACT relating to dental hygienists; to amend section 71-193.18, Reissue Revised Statutes of Nebraska; to authorize the administration of local anesthesia; to provide for rules and regulations and a fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Dierks
Janssen

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 449A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 449, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Avery

Bernard-Stevens
Beutler
Bohlke
Brashear
Coordsen
Crosby
Day
Elmer
Engel
Fisher
Hartnett
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Bromm
Brown
Cudaback
Dierks
Janssen

Excused and not voting, 8:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 456.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1507, Reissue Revised Statutes of Nebraska, and sections 8-157 and 8-1515, Revised Statutes Supplement, 1994; to change provisions relating to branch banking; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Stuhr

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.16, Revised Statutes Supplement, 1994; to change provisions relating to historical vehicle registration and license plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 599.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-124.01, 8-178, 8-1502, 8-1504, 8-1505, 45-126, 45-190, 45-191.10, 45-347, 59-1703, 59-1728, 59-1732, and 59-1733, Reissue Revised Statutes of Nebraska, and sections 8-157, 8-602, 8-1501, 45-127, 45-716, 45-927, and 59-1735, Revised Statutes Supplement, 1994; to change provisions relating to boards of directors, branch banking, hearings, fees, funds, acquisition and merger, loan brokers, mortgage bankers, and the Seller-Assisted Marketing Plan Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Engel
McKenzie

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 601. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to provide for a definition; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Engel
Robak

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 756.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-506, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings, payments, and expenses for boards of directors; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 874.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-168.06, Reissue Revised Statutes of Nebraska, and section 53-123.15, Revised Statutes Supplement, 1994; to change provisions relating to vintage wines and the handling and carrying of alcoholic liquors by minors; to define a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Crosby
Schimek

Present and not voting, 2:

Lynch
Robinson

Excused and not voting, 7:

Abboud
Chambers
Hall
Hillman
Hudkins
Landis
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 490A. Title read. Considered.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 840A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 337. E & R amendment, AM7061, found in the Journal on page 1156, was adopted.

Mr. Wickersham offered the following amendment:
AM0963

(Amendments to E & R amendments, AM7061)

1. On page 10, line 15, strike "a" through the second "in" and insert "Such newspapers as are necessary to provide for general circulation within".

The Wickersham amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
AM1449

(Amendments to E & R amendments, AM7061)

1. Insert the following new section:

"Sec. 6. Section 32-1407, Revised Statutes Supplement, 1994, is amended to read:

32-1407. (1) Until January 2, 1999:

(a) Initiative petitions shall be filed in the office of the Secretary of State at least four months prior to the general election at which the proposal would be submitted to the voters; ~~.~~

~~(2)~~ (b) When a copy of the form of any initiative petition is filed with the Secretary of State prior to obtaining signatures, the issue presented by such petition shall be placed before the voters at the next general election occurring at least four months after the date that such copy is filed if the signed petitions are found to be valid and sufficient. All signed initiative petitions shall become invalid on the date of the first general election occurring at least four months after the date on which the copy of the form is filed with the Secretary of State; and ~~.~~

~~(3)~~ (c) Petitions invoking a referendum shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or has adjourned for more than ninety days.

(2) On and after January 2, 1999:

(a) Initiative petitions shall be filed in the office of the Secretary of State. A petition for the amendment of the Constitution shall be filed at least nine months prior to the general election at which the proposal would be submitted to the voters, and a petition for the enactment of a law shall be filed at least four months prior to the general election at which the proposal would be submitted to the voters;

(b) When a copy of the form of an initiative petition is filed with the Secretary of State prior to obtaining signatures, the issue presented by such petition shall be placed before the voters at the next general election occurring at least nine months after the date that a petition for the amendment of the Constitution is filed and at least four months after the date that a petition for the enactment of a law is filed, if the signed petitions are found to be valid and sufficient. Signed initiative petitions shall become invalid on the date of the first general election occurring at least nine months after the date on which the copy of the form for the amendment of the Constitution is filed with the Secretary of State and at least four months after the date on which the copy of the form for the enactment of a law is filed with the Secretary of State; and

(c) Petitions invoking a referendum shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or has adjourned for more than ninety days.".

2. On page 11, line 8, after the second comma insert "32-1407,".

3. Renumber the remaining sections accordingly.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 424, 448, 448A, 467, 759, 862, 187, 194, 372, 381, 381A, 434, 449, 449A, 456, 541, 599, 601, 756, and 874.

SELECT FILE

LEGISLATIVE BILL 337. The Beutler pending amendment, AM1449, found in this day's Journal, was renewed.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Ms. Schimek requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 19:

Avery
Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Day
Elmer
Fisher
Hartnett
Lindsay
Lynch
Matzke
Maurstad
Preister
Warner
Wickersham
Will
Withem

Voting in the negative, 16:

Brashear
Coordsen
Crosby
Cudaback
Dierks
Jensen
Jones
Kristensen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Witek

Present and not voting, 6:

Bromm
Engel
Janssen
McKenzie
Pedersen
Robak

Excused and not voting, 8:

Abboud
Hall
Hillman
Hudkins
Landis
Schrock
Wehrbein
Wesely

The Beutler amendment lost with 19 ayes, 16 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Ms. Schimek withdrew her amendment, AM1046, found in the Journal on page 1571.

Mr. Bromm offered the following amendment:
AM1636

(Amendments to E & R amendments, AM7061)

1. On page 7, lines 10 through 21; and page 8, lines 6 and 9, strike the new matter and reinstate the stricken matter.

MR. LINDSAY PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm withdrew his amendment.

Mr. Bromm and Ms. Schimek offered the following amendment:
FA162

Amend LB 337 on page 7 by striking the words beginning with "If" in line 17 through the period on line 18 and insert "If they substantially match, the signature and address shall be presumed valid by the Secretary of State"

Messrs. Schellpeper, Hartnett, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Withem and Will asked unanimous consent to bracket LB 337 until Monday, April 24, 1995. No objections. So ordered.

LEGISLATIVE BILL 658. E & R amendment, AM7063, found in the Journal on page 1161, was adopted.

Mr. Will and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Pedersen renewed his pending amendment, AM1015, found in the Journal on page 1192.

The Pedersen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment, AM1113, found in the Journal on page 1220.

Mrs. Bohlke, Messrs. Maurstad, Beutler, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mrs. Robak moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Avery
Bohlke
Brashear
Bromm
Brown
Coordsen
Elmer
Fisher
Hudkins
Janssen
Jensen
Matzke
Pedersen
Pirsch
Robak
Schmitt
Schrock
Warner
Wehrbein
Witek
Withem

Voting in the negative, 6:

Chambers
Crosby
Day
Lindsay
Preister
Wickersham

Present and not voting, 7:

Bernard-Stevens
Dierks
Hall
McKenzie
Robinson
Schimek
Vrtiska

Absent and not voting, 1:

Engel

Excused and not voting, 14:

Abboud
Beutler
Cudaback
Hartnett
Hillman
Jones
Kristensen
Landis
Lynch
Maurstad
Schellpeper
Stuhr
Wesely
Will

The motion to cease debate lost with 21 ayes, 6 nays, 7 present and not voting, 1 absent and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Ms. Day and Mr. Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

SPEAKER WITHEM PRESIDING

Messrs. Wehrbein, Vrtiska, Robinson, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 5:

Fisher
Jensen
Pirsch
Schrock
Witek

Voting in the negative, 22:

Bernard-Stevens
Brashear
Bromm
Brown
Chambers
Crosby
Dierks
Engel
Hall
Janssen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schimek
Warner
Wesely
Wickersham
Withem

Present and not voting, 6:

Avery
Coordsen
Cudaback
Elmer
Hartnett
Hudkins

Excused and not voting, 16:

Abboud
Beutler
Bohlke
Day
Hillman
Jones
Kristensen
Landis
Lynch
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Wehrbein
Will

The Pirsch amendment lost with 5 ayes, 22 nays, 6 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch withdrew her amendment, AM0972, found in the Journal on page 1220.

Mr. Wesely withdrew his amendment, AM1169, found in the Journal on page 1370.

Messrs. Coordsen and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment, AM1332, found in the Journal on page 1459.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 3:

Jensen
Pirsch
Witek

Voting in the negative, 23:

Avery
Brashear
Bromm
Brown
Chambers
Crosby
Day
Dierks
Engel
Hall
Hudkins
Janssen
Lindsay
Matzke
McKenzie
Pedersen
Preister
Robak
Schimek
Warner
Wesely
Wickersham
Withem

Present and not voting, 8:

Bernard-Stevens
Coordsen
Fisher
Hartnett
Jones
Maurstad
Schmitt
Schrock

Excused and not voting, 15:

Abboud
Beutler
Bohlke
Cudaback
Elmer
Hillman
Kristensen
Landis
Lynch
Robinson
Schellpeper
Stuhr
Vrtiska
Wehrbein
Will

The Pirsch amendment lost with 3 ayes, 23 nays, 8 present and not voting, and 15 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 94. Read. Considered.

LR 94 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 95. Read. Considered.

Mrs. Witek, Messrs. Bernard-Stevens, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested that a majority of the elected members be required for the adoption of LR 95, pursuant to Rule 4, Section 5.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mrs. Pirsch requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Dierks
Engel
Fisher
Hudkins
Janssen
Jensen
Lindsay
Matzke
Maurstad
Pedersen
Pirsch
Preister
Schimek
Schmitt
Schrock
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Crosby
Day
Hall
Robak

Absent and not voting, 2:

Hartnett
McKenzie

Excused and not voting, 14:

Abboud
Beutler
Cudaback
Elmer
Hillman
Jones
Kristensen
Landis
Lynch
Robinson
Schellpeper
Stuhr
Vrtiska
Will

LR 95 was adopted with 28 ayes, 1 nay, 4 present and not voting, 2 absent and not voting, and 14 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1995, at 11:20 a.m., were the following bills: 424, 448, 448A, 467, 759, 862, 187, 194, 372, 381, 381A, 434, 449, 449A, 456, 541, 599, 601, 756, and 874.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 97 was referred to the Reference Committee.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 142. Placed on General File as amended.
Standing Committee amendment to LB 142:

AM1681

1. On page 2, strike lines 9 through 16 and insert: "(2) Every school district shall provide each full-time teacher with preparation time of not less than two hundred minutes per five-day week and each part-time teacher with a proportionate amount of preparation time based upon the fraction of full-time hours for which the part-time teacher is employed. Such preparation time shall be for the purposes of individual or collaborative group planning. This time shall not infringe on the teacher's lunch period, and no teacher shall be assigned teaching, supervisory, or other duties during such preparation time. Such time shall be determined at the local school site by the teachers and administrators. This subsection shall not apply to school district attendance centers having less than two teachers.".

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM1740

(Amendments to E & R amendments, AM7061)

1. On page 5, strike the new matter in lines 2 to 4 and insert "A circulator shall be registered to vote in Nebraska at the time he or she is circulating and initiative or referendum petition.".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM1742

(Amendments to E & R amendments, AM7121)

1. On page 1, strike beginning with "The" in line 19 through line 24.

2. On page 2, strike beginning with "services" in line 1 through "(2)" in line 3; in lines 4 and 5 strike "block grant system" and insert "new funding method"; in line 8 strike "To the extent possible" and insert "The new funding method shall be a block grant system or other funding mechanism designed to result in average special education costs increasing at a rate no greater than the average annual education cost growth rate. Written proposals for new funding methods may be submitted to the Education Committee of the Legislature on or before June 1, 1996, by any individual, agency, or group. Proposals shall demonstrate how the new funding method will result in average special education costs increasing at a rate no greater than the average annual education cost growth rate. The proposals shall also contain specific steps

for implementation and specific language for statutory changes.

(2) If a block grant system is implemented"; and in line 15 strike "(3)".

Mr. Elmer asked unanimous consent to print the following amendment to LB 871 in the Journal. No objections. So ordered.

AM1748

1. Insert the following new section:

"Sec. 2. Section 46-602, Revised Statutes Supplement, 1994, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for all water wells other than test holes and dewatering wells with intended use of ninety days or less shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well. Registration shall be on a form provided by the Director of Water Resources. The form shall contain (a) the name, address, and signature of the owner, (b) the legal description of the water well, (c) the date drilling commenced and the date construction was completed, (d) the intended use of the water well, (e) the description and depth of geologic materials encountered, (f) the depth and diameter or dimension of the constructed water well and test hole, (g) the depth and diameter or dimension of the excavated hole if applicable, (h) the depth of the formation stabilizer or gravel pack and size of particles if used, (i) the depth and thickness of grout or other sealing materials if applicable, (j) casing information, including length, inside diameter, wall thickness, and type of material if applicable, (k) the static water level, (l) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, (m) the yield of the water well in gallons per minute if applicable, (n) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, (o) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, (p) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, (q) the signature of the water well contractor, and (r) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) When any water well contractor as defined in section 46-1213 or owner replaces an abandoned water well, the owner shall, ~~within thirty days~~ after the completion of such replacement water well and at the same time as he or she submits the written notice of abandonment required under subsection (2) of this section, give notice of replacement to the department by filing in the office of the department a completed water well registration form for the replacement water well.

(4) When any owner of an abandoned water well in a control area or management area desires to replace the abandoned water well, he or she shall, prior to commencing construction, obtain a permit pursuant to the Nebraska Ground Water Management and Protection Act. The owner of the abandoned water well may immediately proceed to construct a replacement water well and pump water without obtaining a permit if the pump installed in the replacement water well has a column size which is not greater than the pump formerly used in the abandoned water well. Following completion of the replacement water well, notice of such completion shall be given in the manner provided by subsection (3) of this section.

(5) For purposes of this section, replacement water well shall mean a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed within six hundred feet of the abandoned water well.

(6) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.".

2. In the Standing Committee amendments, AM1200, on page 5, line 20, strike "section" and insert "sections 46-602 and".

3. Renumber the remaining sections accordingly.

Messrs. Wickersham and Engel asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM1738

(Amendments to E & R amendments, AM7107)

1. On page 4, line 21, after "department" insert "in accordance with the purposes stated in subsection (2) of this section"; in line 24 strike "or grants"; and in line 26 after "employees" insert ". A qualified business which employs more than one hundred employees shall not be eligible for any grant from the fund, either directly or indirectly through communities. This restriction shall not prohibit a community from receiving a grant for a community improvement project which may include utility or transportation infrastructure and which is consistent with the purposes of this act".

2. On page 5, line 4, after "(c)" insert "The total amount of all outstanding loans or grants awarded from the fund to any qualified business, either directly or indirectly through communities, shall be limited to five hundred thousand dollars;

(d) The type of cost-benefit analysis to be performed prior to approval of any grant, including the requirement that only grants demonstrating a net benefit within fifteen years after approval shall be approved;

(e)"; in line 8 strike "(d)" and insert "(f)"; in line 10 strike "(e)" and insert "(g)"; in line 12 strike "(f)" and insert "(h)"; in line 16 strike "such" and insert "the purposes of the fund and the"; in line 17 after "procedures" insert "adopted by the commission"; in line 20 strike "its" and insert "the"; in line 21 after "activities" insert "and projects submitted and approved"; and in line 27 after "the" insert "applicants and".

3. On page 6, strike beginning with the comma in line 1 through "(c)" in line 2 and insert "and (b)".

Messrs. Wickersham and Engel asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM1739

(Amendments to E & R amendments, AM7107)

1. On page 4, strike beginning with "remain" in line 1 through "localities" in line 2 and insert "provide reasonable incentives".

2. On page 5, line 12, strike "finding" and insert "policy requiring the commission to find".

Mr. Bromm and Ms. Schimek asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM1751

(Amendments to E & R amendments, AM7061)

1. On page 7, strike the new matter in lines 17 and 18 and insert ". The finding of the election commissioner or county clerk".

RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Witek, 31.

WHEREAS, all honor students at the University of Nebraska-Systems with a cumulative GPA of 3.6 or above, including Jeffrey Kruse, were honored at Honors Convocation in April, 1995; and

WHEREAS, Jeffrey Kruse is an intern working in the Legislature and plans to attend medical school upon his graduation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commit itself to working on creating an environment where young people can find employment and stay in the State of Nebraska.
2. That a copy of this resolution be sent to the University of Nebraska-Lincoln Honors Program and to Jeffrey Kruse.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 840A. Placed on Select File.
LEGISLATIVE BILL 490A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 298. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dahsha van der Horst and Vilma Annie Zhovah from the Czech Republic; 45 World War II Veterans and their wives from the 8th Air Force Historical Society - Nebraska Chapter; 33 seventh and eighth grade students, teacher, and sponsors from District 84, Platte Center; Kimiko Kitigawa from Japan; 21 seventh and eighth grade students and teacher from Phelps R-7 Elementary, Holdrege; 25 third and fourth grade students and teacher from NE Christian School, Central City; 75 fourth grade students and sponsor from Disney Elementary, Omaha; fourth grade students and teacher from Madison Trinity Lutheran, Madison; Mr. and Mrs. Robert Criss and children, David, Michael, Jennifer, and Richard, from Homer; 26 eighth grade students and teacher from Kirn Junior High, Council Bluffs, Iowa; and 60 fourth grade students and teacher from Trinity Christian School, Omaha.

ADJOURNMENT

At 2:32 p.m., on a motion by Mr. Fisher, the Legislature adjourned until 9:00 a.m., Monday, April 24, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-SEVENTH DAY - APRIL 24, 1995

LEGISLATIVE JOURNAL

SIXTY-SEVENTH DAY - APRIL 24, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 24, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jeffrey Kunze, St. John's Lutheran Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Kristensen who were excused; and Messrs. Avery, Bernard-Stevens, Brashear, Fisher, Hall, Landis, Lindsay, Warner, Wickersham, Will, Mmes. Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 94 and 95.

SELECT FILE

LEGISLATIVE BILL 887. E & R amendment, AM7064, found in the Journal on page 1164, was adopted.

Mr. Abboud offered the following amendment:
AM1094
1. On page 3, after line 24 insert:

"Worker's Compensation Lump Sum Settlement approved by the Nebraska Workers' Compensation Court, pay to Daniel R. Harrington and Charles H. Rogers, Attorney, 2204 14th Street, Columbus, Ne 68601, out of the Workers' Compensation Claims Revolving Fund 72,970.69" and in line 25 strike "claim" and insert "claims".

2. On page 4, lines 1 and 2, strike "88,135.00" and insert "161,105.69".

Mr. Abboud moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Abboud amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Abboud renewed his pending amendment, AM1095, found in the Journal on page 1422.

Messrs. Wesely, Withem, Mmes. Crosby, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Abboud amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 337. Mr. Bromm and Ms. Schimek withdrew their amendment, FA162, found in the Journal on page 1783.

Mrs. Witek renewed her pending amendment, AM1740, found in the Journal on page 1788.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek withdrew her amendment.

Ms. Schimek reoffered her amendment, AM1046, found in the Journal on page 1571.

The Schimek amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Bromm and Ms. Schimek renewed their pending amendment, AM1751, found in the Journal on page 1792.

The Bromm-Schimek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:
FA163
On page 7 in line 11 after stricken language, insert "only"

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Vrtiska offered the following amendment:
FA164
(Amendments to E & R amendments, AM7061)
1. On page 7, line 14, strike "to match" and insert "compares with".

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Vrtiska requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Crosby
Cudaback
Dierks
Fisher
Hudkins
Jones
Pedersen
Pirsch
Schellpeper
Schmitt
Stuhr
Vrtiska
Witek

Voting in the negative, 23:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Hall
Hartnett
Janssen
Jensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Preister
Robinson
Schimek
Warner
Wehrbein
Wesely
Withem

Present and not voting, 4:

Brown
Day
Elmer
Engel

Absent and not voting, 3:

Coordsen
Robak
Schrock

Excused and not voting, 6:

Avery
Hillman
Kristensen
Maurstad
Wickersham
Will

The Vrtiska amendment lost with 13 ayes, 23 nays, 4 present and not voting, 3 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bromm offered the following amendment:
FA165
Amend LB 337 on page 7, line 17, by inserting, after the period: "For purposes of this section, match shall mean substantially the same and does not require the signatures and address to be exact counterparts."

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud
Avery
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Engel
Hartnett
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Witek

Voting in the negative, 15:

Bernard-Stevens
Beutler
Bohlke
Chambers
Day
Hall
Lynch
Maurstad
Preister
Schimek
Stuhr
Warner
Wesely
Wickersham
Withem

Present and not voting, 7:

Crosby
Elmer
Fisher
Hudkins
McKenzie
Robak
Wehrbein

Excused and not voting, 3:

Hillman
Kristensen
Will

The Bromm amendment lost with 24 ayes, 15 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Day
Engel
Hall
Hartnett
Hudkins
Janssen
Matzke
Maurstad
McKenzie
Preister
Robak
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 14:

Abboud
Bromm
Elmer
Fisher
Jensen
Jones
Lindsay
Lynch
Pedersen
Pirsch
Schellpeper
Schmitt
Schrock
Witek

Present and not voting, 5:

Avery
Cudaback
Dierks
Robinson
Wesely

Excused and not voting, 4:

Hillman
Kristensen
Landis
Will

Advanced to E & R for engrossment with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 337A. Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING

Government, Military and Veterans Affairs

LR 81 Thursday, May 4, 1995 12:00 Noon

(Signed) C. N. "Bud" Robinson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Preister asked unanimous consent to print the following amendment to LB 120 in the Journal. No objections. So ordered.

AM1699

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Legislature finds that it is in the public interest to support development of least cost energy sources, including support for research, development, and prudent use of renewable and nonrenewable supply-side technologies. The Legislature further finds that it is in the public interest to encourage energy efficiency and the use of indigenous energy sources. Consistent with this policy, the public utilities in Nebraska shall practice integrated resource planning and include least cost options when evaluating alternatives for providing energy supply and managing energy demand in Nebraska.

(2) For purposes of this section:

(a) Integrated resource planning means a planning process for new energy resources that evaluates the full range of alternatives, including new generating capacity, power purchases, energy conservation and efficiency, cogeneration and district heating and cooling applications, and renewable energy resources, in order to provide adequate and reliable service to its electric customers at the lowest system cost. The process shall take into account necessary features for system operation, such as diversity, reliability, dispatchability, and other factors of risk, shall take into account the ability to verify energy savings achieved through energy conservation and efficiency and the projected durability of such savings measured over time, and shall treat demand and supply resources on a consistent and integrated basis; and

(b) Least cost or least cost option means providing reliable electric services to electric customers which will, to the extent practicable, minimize life-cycle system costs, including adverse environmental effects, of providing the services. To the extent practicable, energy efficiency and renewable resources may be given priority in any least cost planning.

Sec. 2. Section 1 of this act and the repeal of section 70-627.01 shall not be construed to affect the operating authority of any electric generation facility owned or operated by any Nebraska electric utility on the effective date of this act.

Sec. 3. The following section is outright repealed:

Section 70-627.01, Reissue Revised Statutes of Nebraska.".

VISITORS

Visitors to the Chamber were 30 juniors, seniors, and teacher from Cambridge High School; four students and teacher from Sutherland High School; and 100 fourth grade students and sponsors from Willowdale Elementary, Omaha.

RECESS

At 11:55 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Ms. Schimek presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Kristensen who were excused; and Messrs. Bernard-Stevens, Elmer, Landis, Will, and Mrs. Pirsch who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 851. Mr. Hall moved to indefinitely postpone pursuant to Rule 6, Section 3 (f).

Mr. Avery, Mmes. McKenzie, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the Hall motion to indefinitely postpone.

Voting in the affirmative, 25:

Abboud
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Dierks
Hudkins
Jensen
Jones
Landis
Matzke
Maurstad
Pirsch
Preister
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek

Voting in the negative, 17:

Bernard-Stevens
Beutler
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Janssen
Lynch
Pedersen
Robak
Robinson
Schellpeper
Wickersham
Withem

Present and not voting, 1:

Lindsay

Excused and not voting, 6:

Avery
Bohlke
Hillman
Kristensen
McKenzie
Will

The Hall motion to indefinitely postpone prevailed with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

AM1682

1. Insert the following new section:

"Sec. 2. Section 77-3517, Revised Statutes Supplement, 1994, as amended by section 5, Legislative Bill 133, Ninety-fourth Legislature, First Session, 1995, is amended to read:

77-3517. (1) On or before June 1, the county assessor shall forward approved applications for homestead exemptions and a copy of the certification of disability status ~~which have been examined pursuant to section 77-3516~~ to the Tax Commissioner who shall determine ~~from the records of the Department of Revenue whether or not~~ if the applicant meets the ~~required~~ income ~~standards~~ requirements and, on or before November 1, certify his or her determinations to the county assessor. ~~The Tax Commissioner may at any time review all other information in order to determine whether the application should be accepted. If the county assessor's and Tax Commissioner's determination is that the application should be accepted, then~~ If the application is approved, the county assessor shall make the proper deduction on the assessment rolls. ~~If the Tax Commissioner's determination is that the application does not meet all the requirements, he or she~~ If the application is denied or approved in part, the Tax Commissioner shall notify the applicant of the ~~action~~ denial or partial approval by mailing written notice to the applicant at the address shown on the application. The applicant may appeal the Tax Commissioner's denial or partial approval pursuant to section 77-3520. Late applications authorized by the county board shall be processed in a similar manner after approval by the county assessor.

(2) Upon his or her own action or upon a request by an applicant or surviving spouse, the Tax Commissioner may review the income information of applicants. Any action taken by the Tax Commissioner pursuant to this subsection shall be taken within three years after December 31 of the year in which the exemption was claimed. If an exemption should have been approved or increased for reasons of the income requirements, the Tax Commissioner shall notify the applicant or the surviving spouse and the county treasurer and assessor of his or her determination. The applicant or surviving spouse shall receive a refund of the tax, if any, that was paid as a result of the exemption being denied, in whole or in part. The county treasurer shall make the refund and shall amend the county's claim for reimbursement from the state. No reimbursement shall be made if the applicant and surviving spouse are deceased. If an exemption should have been denied or reduced for reasons of the income requirements, the Tax Commissioner shall notify the applicant or surviving spouse of such denial or reduction. The applicant or surviving spouse may appeal the Tax Commissioner's denial or reduction pursuant to section 77-3520. Upon the expiration of the appeal period in section 77-3520, the Tax Commissioner shall notify the county assessor of the denial or reduction and the county assessor shall remove or reduce the exemption from the tax rolls of the county. Upon notification by the Tax Commissioner to the county assessor, the amount of tax due as a result of the action of the Tax Commissioner shall become a lien on the homestead until paid. Upon attachment of the lien, the county treasurer shall refund to the Tax Commissioner the amount of tax equal to the denied or reduced exemption for deposit into the General Fund. No lien shall be created if a change in ownership of the homestead or death of the applicant and surviving spouse has occurred prior to the Tax Commissioner's notice to the county assessor.".

2. On page 3, line 1, after the period insert "If a homestead exemption is approved, denied, or corrected by the Tax Commissioner under subsection (2) of section 77-3517 after May 1 of the next year, the county treasurer shall prepare and submit amended reports to the Tax Commissioner and the political subdivisions covering any affected year and shall adjust the reimbursement to the county and the other political subdivisions by adjusting the reimbursement due under this section in later years.".

3. On page 4, line 5, before "are" insert "and section 77-3517, Revised Statutes Supplement, 1994, as amended by section 5, Legislative Bill 133, Ninety-fourth Legislature, First Session, 1995,".

4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 658. Mr. Dierks asked unanimous consent to bracket until May 2, 1995.

Mr. Wesely objected.

Mr. Wesely withdrew his objection.

Mr. Dierks asked unanimous consent to bracket LB 658 until May 2, 1995. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 752. E & R amendment, AM7075, found in the Journal on page 1213, was adopted.

Mr. Beutler withdrew his amendment, AM1073, found in the Journal on page 1190.

Mr. Beutler offered the following amendment:
AM1765

(Amendments to E & R amendments, AM7075)

1. Insert the following new section:

"Sec. 12. It is not the intent of the Legislature to create an entitlement by virtue of enacting the Rehabilitation and Support Mental Services Incentive Act but rather to expand the scope of services for persons currently receiving services.

In the event the act is found to create an entitlement or the acceptance of federal funds is found to create an entitlement, the department shall immediately limit the scope of services provided or the number of people eligible for services so that the overall state contributions to the program beyond the appropriated amounts for FY1995-96 and FY1996-97 are not required to be increased.".

Mr. Beutler withdrew his amendment.

Mrs. Witek withdrew her amendments, AM1070, AM1071, and AM1072, found in the Journal on pages 1191 and 1192.

Mrs. Robak withdrew her amendment, AM1180, found in the Journal on page 1375.

Mrs. Robak renewed her pending amendment, AM1388, found in the Journal on page 1459.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Robak amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Robak renewed her pending amendment, AM1443, found in the Journal on page 1485.

Mrs. Robak withdrew her amendment.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA166

(Amendments to E & R amendments, AM7075)

1. Insert the following new section:

"Sec. 12. It is not the intent of the Legislature to create an entitlement by virtue of enacting the Rehabilitation and Support Mental Services Incentive Act.

In the event the act is found to create an entitlement or the acceptance of federal funds is found to create an entitlement, the departments shall immediately limit the scope of services provided or the number of people eligible for services so that the overall state contributions to the program beyond the appropriated amounts are not required to be increased.".

SPEAKER WITHEM PRESIDING

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 406 and 406A.

Enrollment and Review Change to LB 406

The following changes, required to be reported for publication in the Journal, have been made:
ER9053

1. All amendments to operative date and repealer sections have been struck and the following new sections inserted:

"Sec. 8. Section 28-415, Reissue Revised Statutes of Nebraska, is amended to read:

28-415. (1) Whenever a manufacturer sells or dispenses a narcotic drug and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him or her, he or she shall securely affix to each package in which the drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this article, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, podiatrist, or veterinarian, he or she shall affix to the container in which such drug is sold or dispensed a label in accordance with the requirements stated in subdivisions (4)(f) and (g) ~~and (h)~~ of section 28-414. No person shall alter, deface, or remove any label so affixed.

Sec. 38. Section 71-2417, Revised Statutes Supplement, 1994, is amended to read:

71-2417. Any emergency box containing a controlled substance which is maintained at an institution shall be exempt from the provisions of subdivisions (4)(f) and (g) ~~and (h)~~ of section 28-414.

Sec. 92. Sections 9 to 18, 20 to 30, and 94 of this act become operative on September 1, 1995. Sections 91 and 93 of this act become operative on October 1, 1995. The other sections of this act become operative on their effective date.

Sec. 93. Original section 83-211.02, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 94. Original sections 33-150, 71-1,285, 71-1,286, 71-1,287 to 71-1,292, and 71-1,294, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-131, 71-162, and 71-1,293, Revised Statutes Supplement, 1994, are repealed.

Sec. 95. Original sections 2-3910, 21-2202, 28-411, 28-414, 28-415, 71-3502, 71-3505, 71-3508, 71-3515.01, 71-3515.02, 71-5133, 71-6001 to 71-6007, 71-6310, 71-6310.01, 71-6311, 71-6314, 71-6317, 81-642, 81-646, 81-2266, and 81-2269, Reissue Revised Statutes of Nebraska, and sections 21-2209, 21-2216, 28-405, 71-1,206.18, 71-1,314, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-2417, 71-3501, 71-3503, 71-3507, 71-5102, 71-5108, 71-5109 to 71-5111, 71-5127, 71-5142, 71-5147, 71-5152, 71-5157, 71-5514.01, 71-6301, 71-6303, 71-6801, 71-7001, 71-7004, 71-7012, 71-7303, and 71-7304, Revised Statutes Supplement, 1994, are repealed.".

2. In the Dierks amendment, AM1642:

a. On page 1, line 19, "effective" has been struck and "operative" inserted; and in line 20 "act" has been struck "section" inserted;

b. On page 7, line 11, an underscored comma has been inserted after "shareholders";

c. On page 8, line 21, the comma has been struck and shown as stricken;

d. On page 9, line 16, "(h)" has been struck and "(g)" inserted; and

e. On page 11, line 3, "the" has been struck; and in line 6 "service" has been struck and "services" inserted.

3. In the Wesely amendment, AM1346:

a. On page 18, line 11, "subdivisions" has been struck and "subdivision" inserted; and in line 27 "at" has been struck and "in" inserted; and

b. On page 23, line 26, "Schedule" has been struck and "Schedules" inserted.

4. In the Hall-Wesely amendment, AM1228:

a. Section 58 has been struck;

b. On page 20, line 22, "and section 27 of this act" has been inserted after "71-1,294"; and in lines 22 and 23 the new matter has been struck;

c. On page 21, line 4, "Consultation means conferring with a physician regarding the activities of the licensed medical nutrition therapist; and

(4)" has been inserted after "(3)"; in line 11 "(4)" has been struck and "(5)" inserted; in line 15 "(5)" has been struck and "(6)" inserted; in line 20 "and" has been inserted after the semicolon; in line 21 "(6)" has been struck and "(7)" inserted; and the matter beginning with the semicolon in line 23 through "therapist" in line 26 has been struck;

d. On page 23, line 7, "and who are" has been struck and ", and who is" inserted; line 8 has been struck and "the person's status as a student or trainee;" inserted; in line 10 the first comma has been struck and "or" inserted; in line 15 an underscored comma has been inserted after "degree"; and in line 17 the comma has been struck;

e. On page 25, line 7, "act" has been struck and "section" inserted;

f. On page 26, line 6, "foods" has been struck and "food" inserted; and in line 12 "that" has been struck and "than" inserted;

g. On page 28, line 16, "a" has been inserted after "grant"; and

h. On page 29, line 22, "certified" has been struck, shown as stricken, and "licensed" inserted.

5. In the Wickersham amendment, AM1345, on page 13, lines 14 and 15, the underscored comma has been struck.

6. In the Wesely amendment, AM1118:

a. On page 26, line 16, "effective" has been struck and "operative" inserted and "act" has been struck and "section" inserted; in line 21 "section 71-3515.02" has been struck and "this section" inserted; and in line 27 "subsection" has been struck and "subdivision" inserted;

b. On page 28, line 16; page 29, line 4; and page 32, line 27, "shall" has been struck, shown as stricken, and "does" inserted;

c. On page 29, line 15, "shall also include" has been struck, shown as stricken, and "also includes" inserted;

d. On page 30, lines 13 and 14, "shall include" has been struck and "includes" inserted; and

e. On page 32, line 24, "shall include" has been struck, shown as stricken, and "includes" inserted.

7. In the E & R Amendments, AM7056:

a. On page 17, line 25, "their" has been struck and "the" inserted; and in line 26 "of the residents or patients" has been inserted before the semicolon;

b. On page 18, line 23, "injunction" has been struck and "injunctive" inserted;

c. On page 29, line 10; page 30, line 15; and page 39, line 17, "such" has been struck, shown as stricken, and "the" inserted; and

d. On page 40, lines 1 and 5, "act" has been struck, shown as stricken, and "Asbestos Control Act" inserted.

8. On page 1, lines 2 through 12 and all amendments thereto have been struck and "2-3910, 21-2202, 28-411, 28-414, 28-415, 33-150, 71-1,285, 71-1,286, 71-1,287 to 71-1,292, 71-1,294, 71-3502, 71-3505, 71-3508, 71-3515.01, 71-3515.02, 71-5133, 71-6001 to 71-6007, 71-6310, 71-6310.01, 71-6311, 71-6314, 71-6317, 81-642, 81-646, 81-2266, 81-2269, and 83-211.02, Reissue Revised Statutes of Nebraska, and sections 21-2209, 21-2216, 28-405, 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-131, 71-162, 71-1,206.18, 71-1,293, 71-1,314, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-2417, 71-3501, 71-3503, 71-3507, 71-5102, 71-5108, 71-5109 to 71-5111, 71-5127, 71-5142, 71-5147, 71-5152, 71-5157, 71-5514.01, 71-6301, 71-6303, 71-6801, 71-7001, 71-7004, 71-7012, 71-7303, and 71-7304, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to surveys of milksheds, professional corporations, schedules of controlled substances, prescriptions and recordkeeping requirements for and labeling of controlled substances, psychologists, dietitians and nutritionists, mental health practitioners, vital statistics, medical radiography, emergency medical services, health care facility receiverships, asbestos, clinical laboratories, the cancer registry, nursing facility preadmission screening, and an advisory committee for the visually impaired; to define and redefine terms; to change and provide powers and duties; to change and provide fees and penalties; to change the distribution of and rename funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-6309.01 and 71-6315, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

9. The remaining sections have been renumbered and internal references have been corrected accordingly.

Enrollment and Review Change to LB 406A

The following changes, required to be reported for publication in the Journal, have been made:

ER9049

1. In the Wesely amendment, AM1432:

a. On page 1, line 18, "57" has been struck and "571" inserted; and

b. On page 2, line 22, "(1)" has been struck.

2. On page 1, line 3, "; to reduce appropriations; and to declare an emergency" has been inserted after "1995".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

AM1385

1. Strike original section 5 and all amendments thereto and insert the following new section:

"The chairperson of the commission shall receive an annual salary equal to seventy percent of the salary set for the Chief Justice and judges of the Supreme Court. Each of the other commissioners shall receive an annual salary equal to fifty percent of the salary set for the Chief Justice and judges of the Supreme Court. Each commissioner shall also receive his or her actual and necessary expenses as provided in sections 81-1174 to 81-1177.".

VISITORS

Visitors to the Chamber were 12 fifth and sixth grade students and teacher from Dawson District #17, Lexington; 25 fourth grade students and teacher from Axtell Elementary School; 55 fourth grade students and sponsor from Stoddard Elementary, Beatrice; and 35 fourth and fifth grade students and sponsors from Amherst Elementary School.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 8:30 a.m., Tuesday, April 25, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-EIGHTH DAY - APRIL 25, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 25, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Loren Cooper, Zion Lutheran Church, Hampton, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Chambers, Coordsen, Hall, Hartnett, Kristensen, Landis, Lindsay, Wesely, Wickersham, Will, Ms. Day, Mmes. Brown, and Pirsch who were excused until they arrive.

MR. BERNARD-STEVENS PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 1800, line 1, strike "JO-RNAL" and insert "JOURNAL", and line 18, strike "ROBA-" and insert "ROBAK".
The Journal for the sixty-seventh day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 455. Placed on Select File as amended.
(E & R amendment, AM7123, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 455A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on final passage of LB 109, LB 123e, LB 145, and LB 65.

(Signed) Elaine Stuhr

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1257

1. Insert the following new section:

"Sec. 30. (1) It is unlawful for any employer, not required to be licensed, certified, or registered under Chapter 71, or such employer's agent to coerce or attempt to coerce a health care professional, required to be licensed, certified, or registered under Chapter 71, to practice his or her profession for any purpose or in any manner which is contrary to his or her professional judgment. It is unlawful for any employer or such employer's agent to coerce or attempt to coerce an employee, required to be licensed, certified, or registered under Chapter 71, to practice his or her profession for any purpose or in any manner which is contrary to (a) any federal or state law, rule, or regulation, or (b) the standards of practice for his or her profession.

(2) Any employee subjected to coercion or an attempted coercion under subsection (1) of this section has a cause of action against the employer and may recover his or her damages and reasonable attorney's fees.

(3) Any person who violates this section is guilty of a Class I misdemeanor.".

2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 120. Mr. Preister renewed his pending amendment, AM1699, found in the Journal on page 1799.

SPEAKER WITHEM PRESIDING

The Preister amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 5 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 193. Mr. Maurstad offered the following amendment:
AM1790

1. In the Standing Committee amendments, AM0676: On page 3, line 13, after "appointed" insert "and approved"; and in line 17 after "mayor" insert "with the approval of a majority vote of the elected members of the council or village board".

MR. BEUTLER PRESIDING

The Maurstad amendment was adopted with 26 ayes, 1 nay, 6 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 5 present and not voting, and 16 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 118. Title read. Considered.

Standing Committee amendment, AM0466, found in the Journal on page 794, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendment, AM0317, found in the Journal on page 693, was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 699. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 552. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 385. Advanced to E & R for engrossment.

LEGISLATIVE BILL 376. E & R amendment, AM7111, found in the Journal on page 1690, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 693. E & R amendment, AM7119, found in the Journal on page 1732, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 693A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 538. Advanced to E & R for engrossment.

LEGISLATIVE BILL 330. E & R amendment, AM7113, found in the Journal on page 1690, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 872. Advanced to E & R for engrossment.
LEGISLATIVE BILL 146. Advanced to E & R for engrossment.
LEGISLATIVE BILL 146A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 572. Advanced to E & R for engrossment.
LEGISLATIVE BILL 514. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 592. Title read. Considered.

Standing Committee amendment, AM1026, printed separately from the Journal and referred to on page 1224, was considered.

Ms. Day renewed her pending amendment, AM1453, printed separately from the Journal and referred to on page 1609, to the Standing Committee amendment.

Messrs. Coordsen, Janssen, Maurstad, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 9 nays, and 33 not voting.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Day moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Ms. Day requested a roll call vote on her amendment.

Voting in the affirmative, 26:

Beutler
Bromm
Brown
Chambers
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hudkins
Jensen
Jones
Landis
Matzke
McKenzie
Preister
Robak
Robinson
Schimek
Schmitt
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 5:

Bernard-Stevens
Dierks
Lindsay
Pedersen
Withem

Present and not voting, 6:

Brashear
Coordsen
Lynch
Schellpeper
Schrock
Vrtiska

Absent and not voting, 2:

Pirsch
Witek

Excused and not voting, 10:

Abboud
Avery
Bohlke
Hall
Hartnett
Hillman
Janssen
Kristensen
Maurstad
Will

The Day amendment was adopted with 26 ayes, 5 nays, 6 present and not voting, 2 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Ms. Day renewed her pending amendment, AM1693, found in the Journal on page 1737, to the Standing Committee amendment.

The Day amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA167
In the Day Amendment (AM1453):
Pages 1-2, strike section 25
Pages 8-11, strike sections 37-43

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud
Bernard-Stevens
Beutler
Bromm
Brown
Chambers
Coordsen
Dierks
Elmer
Jones
Lindsay
Matzke
McKenzie
Pedersen
Robak
Schellpeper
Schrock
Wesely
Withem

Voting in the negative, 14:

Avery
Crosby
Cudaback
Janssen
Kristensen
Landis
Lynch
Maurstad
Pirsch
Preister
Vrtiska
Warner
Wehrbein
Wickersham

Present and not voting, 9:

Brashear
Day
Engel
Fisher
Hudkins
Jensen
Schimek
Schmitt
Stuhr

Absent and not voting, 1:

Witek

Excused and not voting, 6:

Bohlke
Hall
Hartnett
Hillman
Robinson
Will

The Chambers amendment lost with 19 ayes, 14 nays, 9 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1608.)

Messrs. Landis, Lynch, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

AM1377

1. On page 4, line 12, strike "or permittee"; in line 13 strike "or permit"; and in line 14 after "Finance" insert "under sections 45-114 to 45-155".

WITHDRAW - Cointroducer

Mr. Withem withdrew his name as cointroducer to LB 337.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 699. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 699. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 fourth, fifth, and sixth grade students and sponsor from Hampton Lutheran School, Hampton; 50 high school students and sponsors from Silver Lake and Kenesaw; 48 fourth grade students and sponsors from Pershing Elementary, Lexington; 29 fourth grade students and sponsors from Lincoln Elementary, Norfolk; and 56 fourth grade students and sponsors from Bel Air Elementary, Norfolk.

RECESS

At 12:07 p.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Chambers, Coordsen, Elmer, Engel, Hall, Kristensen, Landis, Lynch, Matzke, Pedersen, Robinson, Schrock, Warner, Wickersham, Withem, Mmes. Bohlke, Robak, and Stuhr who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 99 in the Journal. No objections. So ordered.

AM1646

(Amendments to Standing Committee amendments, AM1188)

1. Strike section 15 and insert the following new section:

"Sec. 15. Section 46-261, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 94, Ninety-fourth Legislature, First Session, 1995, is amended to read:

46-261. (1) The Department of Water Resources may require an appropriator or his or her agent to furnish the department, by April 1 in any year, a list of all lands to be irrigated, the acreage of each tract, and the names of the owners, controllers, or officers for every ditch, reservoir, or other device for appropriating, diverting, carrying, or distributing water to be used as a basis for the distribution of water until April 1 of the following year, and if so ordered such a list shall be furnished by the appropriator or his or her agent to the department.

(2) By April 1, any district or company which has transferred an appropriation pursuant to sections 8 to 10 of this act in the previous calendar year shall provide the department:

(a) A legal description and map of the tracts of land receiving and transferring an appropriation of water, or portion thereof, within the district or company;

(b) The water appropriation permit number under sections 46-233 to 46-235 and the priority date of the water appropriation;

(c) A statement on whether objections were filed, whether a hearing was held, and how consent was given;

(d) The effective date of the transfer of the appropriation; and

(e) A statement summarizing the water use on the receiving and transferring tracts of land.

(3) The department may require the owner or controller of any canal or ditch to install an approved recording gauge at one or more specific locations to record the amount of water used. The department shall not furnish any water to be delivered to or used by or through any ditch, reservoir, or other contrivance for the appropriation, use, or storage of water until this section has been complied with. The department may construct bars or dams to prevent such delivery or use.".

2. On page 19, line 22, strike "46-261,"; and in line 24 strike the first "and" and after the last comma insert "and section 46-261, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 94, Ninety-fourth Legislature, First Session, 1995,".

Mr. Beutler asked unanimous consent to print the following amendment to LB 871 in the Journal. No objections. So ordered.

AM1789

(Amendments to Standing Committee amendments, AM1200)

1. Insert the following new section:

"Section 1. Section 13-515, Revised Statutes Supplement, 1994, is amended to read:

13-515. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, ~~or~~ to any agency created pursuant to sections 18-2426 to 18-2434, or to any district organized under sections 46-101 to 46-1,163.".

2. On page 5, line 20, strike "section" and insert "sections 13-515 and".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 592. The Lindsay pending amendment, AM1608, on file in the Clerk's Office and referred to on page 1815, to the Standing Committee amendment, was renewed.

MRS. CROSBY PRESIDING

Mr. Bernard-Stevens moved to bracket LB 592 until June 2, 1995.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 12 nays, and 24 not voting.

Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to bracket.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 120. Placed on Select File as amended.
E & R amendment to LB 120:
AM7125

1. In the Preister amendment, AM1699, on page 1, line 4, after "support" insert "the"; in line 5 after "and" insert "the"; and in line 19 strike "its".

2. On page 1, line 2, strike "power districts" and insert "utilities".

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendment to LB 193:

AM7124

1. In the Standing Committee amendments, AM0676, on page 3, line 12, after "years" insert an underscored comma.

2. On page 1, line 4, strike "approval" and insert "and removal and alternate members".

LEGISLATIVE BILL 118. Placed on Select File as amended.
E & R amendment to LB 118:
AM7126

1. On page 1, line 3, strike "and" and insert "to provide an operative date;" and after "section" insert "; and to declare an emergency".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendments to LR 6CA in the Journal. No objections. So ordered.

(1)

AM1798

(Amendments to Final Reading copy)

1. On page 2, lines 1, 5, and 9; on page 3, line 11; on page 4, line 1; on page 6, lines 9, 12, and 16; on page 7, lines 19 and 23, and on page 8, lines 2 and 5; strike "Governor" and insert "President of the United States".

(2)

AM1797

(Amendments to Final Reading copy)

1. On page 6, lines 9, 12, and 16; on page 7, lines 19 and 23; and on page 8, lines 2 and 5; strike "Governor" and insert "President of the United States".

(3)

AM1799

(Amendments to Final Reading copy)

1. Strike beginning on page 5, line 13, through page 9, line 9.

2. On page 9, strike beginning with "and" in line 18 through "unconstitutional" in line 21.

(4)

AM1802

(Amendments to Final Reading copy)

1. On page 3, line 8; and on page 7, line 4; after "act" insert "and those generating revenue for the operation of state government".

(5)

AM1805

(Amendments to Final Reading copy)

1. On page 2, line 11, strike "two-fifths" and insert "two-thirds".

(6)

AM1806

(Amendments to Final Reading copy)

1. On page 1, line 16, strike "twelve" and insert "fifteen".

(7)

AM1800

(Amendments to Final Reading copy)

1. On page 6, line 8, strike "seven" and insert "ten"; and in line 11 strike "ten" and insert "twelve".

(8)

AM1803

(Amendments to Final Reading copy)

1. On page 3, line 10, strike "ten" and insert "twelve".

(9)

AM1807

(Amendments to Final Reading copy)

1. On page 2, line 4, strike "eighteen" and insert "twenty".

(10)

AM1804

(Amendments to Final Reading copy)

1. On page 6, line 15, strike "five" and insert "seven".

(11)

AM1811

(Amendments to Final Reading copy)

1. On page 2, lines 1, 5, and 9; on page 3, line 11; on page 4, line 1; on page 6, lines 9, 12, and 16; on page 7, lines 19 and 23, and on page 8, lines 2 and 5; strike "Governor" and insert "President of the United States".

2. On page 5, strike beginning with "the" in line 2 through "referendum" in line 4 and insert "legislation may be enacted to facilitate their operation".

(12)

AM1801

(Amendments to Final Reading copy)

1. On page 5, strike beginning with "the" in line 2 through "referendum" in line 4 and insert "legislation may be enacted to facilitate their operation".

Mr. Withem asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

FA168

Amend LB 613, AM0885, strike sections 3 & 4.

Section 5, strike "79-3814" & "79-3816."

Mrs. Witek asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1487

1. Insert the following new sections:

"Sec. 30. Sections 30 to 41 of this act shall be known and may be cited as the Sex Offender Registration Act.

Sec. 31. The Legislature finds that sex offenders present a high risk to commit repeat offenses. The Legislature further finds that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by lack of available information about individuals who have pled guilty to or have been found guilty of sex offenses and who live in their jurisdiction. The Legislature further finds that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

Sec. 32. (1) The Sex Offender Registration Act shall apply to any person who on or after January 1, 1996:

(a) Pleads guilty to or is found guilty of (i) a violation of section 28-319, 28-320, 28-320.01, 28-703, or 28-805 or (ii) an attempt, a solicitation, or a conspiracy to commit an offense listed in subdivision (1)(a)(i) of this section;

(b) Enters the state and has pled guilty to or has been found guilty of any offense in another state, territory, commonwealth, or other jurisdiction of the United States that is substantially equivalent to the offenses listed in subdivision (1)(a) of this section; or

(c) Is incarcerated in a jail, a penal facility, or any other public or private institution or is under probation or parole as a result of pleading guilty to or being found guilty of an offense listed in subdivision (1)(a) of this section prior to January 1, 1996.

(2) The registration requirements of the act shall not apply to any person while he or she is incarcerated in a jail, a penal facility, or any other public or private institution.

Sec. 33. (1) Any person who becomes subject to the Sex Offender Registration Act shall register with the sheriff of the county in which the person resides or is temporarily domiciled within five working days of becoming subject to the act.

(2) If there is an address change for a person required to register, the person shall inform the sheriff with whom that person last registered of the new address, in writing, within five working days of the change. The sheriff shall forward this information to the sheriff in the new jurisdiction where the person is relocating and would be required to register within five working days of the receipt of the new address.

(3) Each sheriff shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the Nebraska State Patrol within five working days. The Nebraska State Patrol shall maintain a central registry of sex offenders required to register under the act.

Sec. 34. Any person to whom the Sex Offender Registration Act applies shall be required to register during any period of probation or parole and shall continue to comply with the act for a period of ten years after the date of discharge from probation, parole, or release from incarceration, whichever date is most recent.

Sec. 35. Registration shall be in a form approved by the Nebraska State Patrol and shall include the following information:

(1) The name and all aliases which the person has used or under which the person has been known;

(2) A complete description of the person, including date of birth, social security number, photographs, and fingerprints;

(3) A listing of each offense covered in section 32 of this act to which the person pled guilty or was found guilty, the jurisdiction where each offense was committed, the court in which the person pled guilty or was found guilty of each offense, and the name under which the person pled guilty or was found guilty of each offense;

(4) The name and location of each jail, penal facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined; and

(5) The address of current residence and place of employment.

Sec. 36. (1) The court shall provide written notification of the duty to register at the time of sentencing to any defendant who has pled guilty or has been found guilty of an offense listed in subdivision (1)(a) of section 32 of this act. The written notification shall be signed by the defendant and retained by the court. A copy of the notification shall be provided to the county attorney and the defendant.

(2) The Department of Correctional Services shall provide written notification of the duty to register pursuant to the Sexual

Offender Registration Act to any person committed to its custody for an offense listed in subdivision (1)(a) of section 32 of this act prior to the person's release from incarceration. The written notification shall be signed by the person and retained by the department. A copy of the notification shall be provided to the person.

(3) The sheriff of each county shall cause written notification of the duty to register to be provided to any person who enters this state from another jurisdiction and makes application for a motor vehicle operator's license. The written notification shall be signed by the person and retained by the sheriff's office. A copy of the notification shall be provided to the person.

(4) All written notification as provided in this section shall be on a form prepared by the Attorney General.

Sec. 37. No person subject to the Sex Offender Registration Act shall willfully furnish any false or misleading information in the registration.

Sec. 38. Access to information obtained under the Sex Offender Registration Act shall be restricted and provided only to law enforcement agencies or their authorized representatives pursuant to rules and regulations adopted by the Nebraska State Patrol in consultation with the Attorney General.

Sec. 39. (1) Any person having a duty to register under the Sex Offender Registration Act may file a petition with the district court for an order to expunge the information.

(2) The petition shall be filed in the district court of the county in which the petitioner was convicted of an offense listed in section 32 of this act. If the petitioner was convicted in another state, the petition shall be filed in the district court of the county in which the petitioner resides. The county attorney shall be named as the respondent and shall be served with a copy of the petition.

(3) The court may grant the petition and issue an order to expunge the information if the petitioner shows by clear and convincing evidence that the (a) petitioner's duty to register has expired, (b) petitioner does not have a criminal charge pending and is not under criminal investigation for an offense listed in section 32 of this act, and (c) petitioner is not a substantial risk to commit another offense listed in section 32 of this act.

Sec. 40. Any person required to register under the Sex Offender Registration Act who violates the act is guilty of a Class IV felony.

Sec. 41. The Attorney General and the Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the Sex Offender Registration Act.

Sec. 42. Sections 30 to 41 of this act become operative on January 1, 1996. The other sections of this act become operative on their effective date.".

2. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1417

1. Insert the following new sections:

"Sec. 14. Section 43-247, Reissue Revised Statutes of Nebraska, is amended to read:

43-247. The juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5), (6), and (8) of this section. ~~As used in~~ For purposes of this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The district court shall have exclusive original jurisdiction as to any juvenile who has committed an act which would constitute a felony in violation of sections 28-303 to 28-305 and as to any juvenile fourteen years of age or older who has committed an act which would constitute a felony in violation of sections 28-308, 28-309, 28-311.01, 28-313, 28-314, 28-319, 28-320, 28-324, 28-502, 28-516, 28-929 to 28-931, 28-1202, 28-1205, 28-1212.02, 28-1215, 28-1220, or 28-1222 to 28-1224 and for violations of sections 28-201 and 28-202 premised upon violations of such sections. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile under fourteen years of age who has committed an act which would constitute a felony in violation of sections 28-308, 28-309, 28-311.01, 28-313, 28-314, 28-319, 28-320, 28-324, 28-502, 28-516, 28-929 to 28-931, 28-1202, 28-1205, 28-1212.02, 28-1215, 28-1220, or 28-1222 to 28-1224 and for violations of sections 28-201 and 28-202 premised upon violations of such sections and shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section who is not specifically excepted. The juvenile court shall have concurrent original jurisdiction with the district court and county court as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen and any juvenile defined in subdivision (4) of this section. Notwithstanding any disposition entered by the juvenile court under the Nebraska Juvenile Code, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

~~The~~ Except as otherwise provided in this section, the juvenile court in each county ~~as herein provided~~ shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a

traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile or (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section;

(6) The proceedings for termination of parental rights as provided in the Nebraska Juvenile Code;

(7) The proceedings for termination of parental rights as provided in section 42-364; and

(8) Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Social Services or any child placement agency licensed by the Department of Social Services.

Notwithstanding the provisions of the Nebraska Juvenile Code, the determination of jurisdiction over any Indian child as defined in section 43-1503 shall be subject to the Nebraska Indian Child Welfare Act.

Sec. 15. Section 43-279, Reissue Revised Statutes of Nebraska, is amended to read:

43-279. (1) The adjudication portion of hearings shall be conducted before the court without a jury, applying the customary rules of evidence in use in trials without a jury. When the petition alleges the juvenile to be within the provisions of subdivision (1), (2), (3)(b), or (4) of section 43-247 and the juvenile or his or her parent, guardian, or custodian appears with or without counsel, the court shall inform the parties:

(a) Of the nature of the proceedings and the possible consequences or dispositions pursuant to sections 43-284 to 43-287, 43-289, and 43-290 that may apply to the juvenile's case following an adjudication of jurisdiction;

(b) Of such juvenile's right to counsel as provided in sections 43-272 and 43-273;

(c) Of the privilege against self-incrimination by advising the juvenile, parent, guardian, or custodian that the juvenile may remain silent concerning the charges against the juvenile and that anything said may be used against the juvenile;

(d) Of the right to confront anyone who testifies against the juvenile and to cross-examine any persons who appear against the juvenile;

(e) Of the right of the juvenile to testify and to compel other witnesses to attend and testify in his or her own behalf;

(f) Of the right of the juvenile to a speedy adjudication hearing; and

(g) Of the right to appeal and have a transcript for such purpose.

After giving such warnings and admonitions, the court may accept an in-court admission by the juvenile of all or any part of the allegations in the petition if the court has determined from examination of the juvenile and those present that such admission is intelligently, voluntarily, and understandingly made and with an affirmative waiver of rights and that a factual basis for such admission exists. The court may base its adjudication provided in subsection (2) of this section on such admission.

(2) If the juvenile denies the petition or stands mute the court shall first allow a reasonable time for preparation if needed and then consider only the question of whether the juvenile is a person described by section 43-247. After hearing the evidence on such question, the court shall make a finding and adjudication, to be entered on the records of the court, whether or not the juvenile is a person described by subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof beyond a reasonable doubt. If an Indian child is involved, the standard of proof shall be in compliance with the Nebraska Indian Child Welfare Act, if applicable.

(3) If the court ~~shall find~~ finds that the juvenile named in the petition is not within the provisions of section 43-247, it shall dismiss the case. If the court finds that the juvenile named in the petition is such a juvenile, it shall make and enter its findings and adjudication accordingly, designating which subdivision or subdivisions of section 43-247 such juvenile is within. The ~~; the~~ court shall allow a reasonable time for preparation if needed and then proceed to an inquiry into the proper disposition to be made of such juvenile.

(4) If the court finds that the juvenile is within the provisions of subdivision (1) or (2) of section 43-247, the court shall issue an order requiring the Nebraska State Patrol to be notified, in a manner specified by the Superintendent of Law

Enforcement and Public Safety, of (a) the identity of the juvenile, (b) the court in which such adjudication was made, (c) the date on which such adjudication was made, (4) the court docket number, and (5) the felony or misdemeanor which was the basis for the adjudication.

Sec. 34. The following section is outright repealed: Section 43-252, Revised Statutes Supplement, 1994.".

2. On page 29, line 17, after the last comma insert "43-247, 43-279,".

3. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 646A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 646, Ninety-fourth Legislature, First Session, 1995.

MOTION - Reconsider Action on LB 851

Messrs. Will and Lindsay moved to reconsider the motion to indefinitely postpone LB 851.

Laid over.

SELECT FILE

LEGISLATIVE BILL 889. E & R amendment, AM7122, found in the Journal on page 1758, was adopted.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 889.

MR. HALL PRESIDING

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak, Messrs. Schmitt, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

PRESIDENT ROBAK PRESIDING

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to indefinitely postpone lost with 3 ayes, 29 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mmes. Witek and Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 4:

Abboud
Bernard-Stevens
Beutler
Chambers

Present and not voting, 9:

Avery
Bromm
Hall
Jensen
Kristensen
Lindsay
Schimek
Schrock
Wesely

Excused and not voting, 9:

Fisher
Hillman
Jones
Landis
McKenzie
Pirsch
Schmitt
Witek
Withem

Advanced to E & R for engrossment with 27 ayes, 4 nays, 9 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 887.

Enrollment and Review Change to LB 887

The following changes, required to be reported for publication in the Journal, have been made:
ER9055

1. On page 3, after line 19, "DESCRIPTION DOLLARS" has been inserted; in line 21 a comma has been inserted after "Court"; and after line 24 the Abboud amendment, AM1094, has been inserted and the Abboud amendment, AM1095, has been inserted thereafter.

2. On page 4, lines 1 and 2 have been struck and "REVOLVING FUND 243,605.69 TOTAL 243,605.69" inserted.

LEGISLATIVE BILL 356. Placed on Select File as amended.
E & R amendment to LB 356:
AM7129

1. Because of the passage of Legislative Bill 7, Ninety-fourth Legislature, First Session, 1995, strike section 7 and renumber the remaining section accordingly.

2. On page 1, lines 2 and 3, strike "and 2-3110".

3. On page 4, line 7, after the last comma insert "or"; and in line 8 strike the comma.

4. On page 5, line 20, strike "and 2-3110,".

LEGISLATIVE BILL 291. Placed on Select File.

LEGISLATIVE BILL 699. Placed on Select File as amended.
E & R amendment to LB 699:
AM7127

1. On page 2, line 5, strike the comma and show as stricken; and in line 20 strike the third comma and show as stricken.

LEGISLATIVE BILL 552. Placed on Select File.

LEGISLATIVE BILL 199. Placed on Select File as amended.
E & R amendment to LB 199:
AM7128

1. On page 3, line 4, strike "and" and insert an underscored comma; and in line 5 after "budget" insert an underscored comma.

(Signed) David I. Maurstad, Chairperson

MESSAGES FROM THE GOVERNOR

April 24, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 178, 178A, 42, 109, 109A, 123, 339, 470, 614, 87, 145, 350, 407, and 240 were received in my office on April 19, 1995.

These bills were signed by me on April 24, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 25, 1995

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB65 without my signature and with my objections. The ability to be represented in the electoral process has been debated on many occasions. I have not found a substantive reason to change a process that was established only two years ago. Frequent changes in election provisions cause confusion and frustration for the voters.

It is truly unfortunate that this proposal has been cast as a partisan issue to some, rather than one of fair representation. The electoral college was to provide for a distinction between delegates representing their respective congressional districts and those representing at-large constituencies. Had this not been the intent, it would seem that all delegates would be determined by a statewide vote. The ability of district representatives to cast their ballots in the manner their districts voted is important to the democratic process.

I feel strongly that providing proper representation is essential to allowing the people's voice in Presidential elections. It is my opinion that by allowing the recognition of the individual districts' diversity, as current law allows, this can best be accomplished.

The issue of election by popular vote rather than electoral college is a matter for another level of government to decide.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 99. Introduced by Maurstad, 30; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, the terrorist attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, was a senseless tragedy which injured and killed hundreds of innocent Americans; and

WHEREAS, acts of terrorism of any nature committed against the people of the United States or any other nation are reprehensible; and

WHEREAS, the bombing of the Oklahoma City federal building was an especially evil and sorrowful act because of the injury and death of innocent children; and

WHEREAS, the people of Oklahoma and all of the persons involved in the emergency situation following the bombing worked admirably to tend to the injured, care for the grieving, and give of themselves to aid those affected by the incident.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses sympathy to the families and friends of the victims of the Oklahoma City bombing.
2. That the Legislature condemns similar acts of senseless terroristic violence committed against Americans and all people.
3. That the Legislature recognizes the sense of unity which brought Oklahoma City, the State of Oklahoma, the people of the United States, and members of the world community together to aid in anyway possible the persons affected by this incident.
4. That the Legislature commends the rapid response of law enforcement in pursuing suspects in the bombing and in preparing a case against those persons who committed this horrible act.
5. That the Legislature applauds the effort of rescue workers, firefighters, law enforcement, medical personnel, and volunteers to

bring as much order as possible to the chaotic situation following the bombing which enabled the maximum number of lives to be saved.

6. That the Legislature urges swift and sure justice for the persons responsible for this act of terrorism against our nation and her people.

7. That a copy of this resolution be sent to the Governor of the State of Oklahoma.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM1774

(Amendments to Standing Committee amendments, AM1422)

1. Strike sections 3, 9, and 26 to 40 and insert the following new sections:

"Sec. 3. Section 37-102, Revised Statutes Supplement, 1994, is amended to read:

37-102. Sections 37-101 to 37-726, 37-901 to 37-912, and 37-1401 to 37-1408 shall be known and may be cited as the Game Law.

Sec. 9. Section 37-513, Reissue Revised Statutes of Nebraska, is amended to read:

37-513. (1) It shall be unlawful for any person to kill or capture game birds ~~or game animals~~ while training or running a dog except (a) as provided in ~~subdivision (4) of section 37-501; PROVIDED, that~~ section 37-501.01, (b) game birds obtained from the holder of a captive wildlife ~~game farm~~ permit~~,~~ which have been marked and taken on privately owned lands according to rules and regulations adopted and promulgated by the commission, ~~transported and are tagged according to commission regulations, and which are being used for training purposes by the holder of a required permit may be pursued and taken at any time on specified land areas designated, approved, and operated according to rules and regulations established by the commission~~ or (c) during a ~~sporting~~ dog trial~~,~~ which is conducted under written authority of the commission as required in section 37-204. Game animals may be pursued but not taken under such authority. A person who purchases game birds from the holder of a captive wildlife permit shall have in his or her possession a receipt from the permitholder listing the species and number of birds purchased.

(2) Any person in legal possession of game birds marked according to commission regulations may pursue and take such game birds on publicly owned lands that have been approved and posted with authorized dog training area signs.

(3) No dog ~~under the provisions of this section~~ shall be run upon private property at any time under this section without the express permission of the landowner or tenant.

Sec. 26. Section 37-901, Reissue Revised Statutes of Nebraska, is amended to read:

37-901. Any person ~~owning, holding, or controlling by lease or otherwise, which possession must be~~ who owns or controls by lease for a term of five or more years~~,~~ any contiguous tract of land having an area of not less than one hundred twenty acres and not more than one thousand two hundred eighty acres and who ~~desires~~ intends to establish a ~~game breeding and~~ controlled shooting area to purchase, possess, propagate, ~~preserve,~~ and shoot ~~exotic~~ game birds ~~under the regulations as provided in sections 37-901 to 37-914~~ shall ~~make application~~ apply to the Game and Parks Commission for a ~~license as provided by such sections. Such application shall be made under oath of the applicant or one of its principal officers if the applicant is an association, club, or corporation and shall be accompanied by a~~ controlled shooting area license. Facilities for possessing and propagating game birds may be located separately and not contiguous to the controlled shooting area if designated on the application for that purpose. The commission shall adopt and promulgate rules and regulations specifying application requirements and procedures. The license fee ~~of~~ shall be not less than one hundred dollars and not more than one hundred thirty dollars, as established by the commission pursuant to section 81-814.02. Any controlled shooting area existing on ~~February 18, 1987,~~ the effective date of this act shall continue in operation on the existing acreage until such controlled shooting area license is not renewed or canceled.

Sec. 27. Section 37-901.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-901.01. For purposes of sections 37-901 to ~~37-914~~ 37-912:

(1) Commercial controlled shooting area means an area licensed by the Game and Parks Commission under sections 37-901 to 37-912 which is operated for profit and charges a fee to individuals and groups for the privilege of hunting upon the licensed property;

~~(1)~~ (2) Game birds ~~shall mean~~ means coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl; ~~and~~

(3) Private controlled shooting area means an area licensed by the commission under sections 37-901 to 37-912 which is not operated for profit and does not charge a fee to individuals and groups for the privilege of hunting upon the licensed property or does not charge a membership fee for admission to the area for the right or privilege to hunt upon the licensed property as a part of the membership benefit; and

~~(2)~~ (4) Upland game birds ~~shall mean~~ means all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 28. Section 37-902, Reissue Revised Statutes of Nebraska, is amended to read:

37-902. (1) Upon receipt of ~~the~~ an application for a license to establish a commercial or private controlled shooting area, the Game and Parks Commission shall inspect the area proposed to be licensed described in ~~such~~ the application, including the ~~and its premises and~~ facilities to be used and the cover for gamebirds on the area. ~~The commission shall also inspect the area where game birds are to be propagated, reared, and liberated and the cover for game birds on such area. The commission shall also ascertain the ability of the applicant to operate a property of this character. If the commission finds (1) that the area is of the size specified in section 37-901, (2) that the area is contiguous, (3) that the area has the proper requirements for the operation of such a property, (4) that the game birds propagated or released thereon are not likely to be diseased and a menace to other game, (5) that the operation of such property will not work a fraud upon persons who may be permitted to hunt thereon, and (6) that the issuing of the license will otherwise be in the public interest, the commission shall approve such application and issue a game breeding and controlled shooting area license for the operation of such a property on the tract described in such application with the rights and subject to the limitations prescribed in sections 37-901 to 37-914.~~

(2) For a commercial or private controlled shooting area, if the commission finds (a) the area is of the size specified in section 37-901, (b) the area is contiguous, (c) the area has the proper requirements for operation as a controlled shooting area, (d) the game birds propagated or released on the area are not likely to be diseased or a menace to other game, (e) the operation of the area will not work a fraud upon persons who may be permitted to hunt on the area, and (f) the issuance of a license will otherwise be in the public interest, the commission shall approve the application and issue a commercial or private controlled shooting area license for the tract described in the application with the rights and subject to the limitations described in sections 37-901 to 37-912.

Sec. 29. Section 37-903, Reissue Revised Statutes of Nebraska, is amended to read:

37-903. The Game and Parks Commission shall adopt and promulgate rules and regulations specifying the form of the controlled shooting area license. ~~All game breeding and~~ A controlled shooting area ~~licenses~~ license shall expire on June 30 of each year at midnight. ~~Any controlled shooting area license issued prior to February 18, 1987, and due to expire on December 31, 1987, is hereby extended and shall remain valid until June 30, 1988, at midnight.~~

Sec. 30. Section 37-904, Reissue Revised Statutes of

Nebraska, is amended to read:

37-904. Upon receipt of ~~the license~~ a license under section 37-902, the licensee shall promptly post the controlled shooting area as ~~such licensed areas at intervals of not more than five hundred feet with signs to be~~ prescribed by rules and regulations adopted and promulgated by the Game and Parks Commission. The licensee shall present the license for examination upon demand by an officer or employee of the commission or a sheriff, deputy sheriff, or other peace officer. ~~The boundaries of such licensed game breeding and controlled shooting areas shall also be clearly defined by natural boundaries, artificial boundaries, or by signs.~~

Sec. 31. Section 37-905, Reissue Revised Statutes of Nebraska, is amended to read:

37-905. The Game and Parks Commission shall adopt and promulgate rules and regulations specifying the season for taking game birds on a controlled shooting area, the marking of game birds which can be taken on a controlled shooting area, and the game birds that a controlled shooting area licensee may take or authorize to be taken. ~~(1) The licensee of any licensed game breeding and controlled shooting area may take or authorize to be taken, within the season fixed and designated and in such numbers as provided in sections 37-901 to 37-914, hand-reared game birds, including pheasants, bobwhite quail, coturnix quail, chukar partridge, Hungarian partridge, mallard ducks, and wild turkey, released on licensed areas during the shooting season as provided in such sections.~~

~~(2) All game birds that are released for shooting purposes shall be at least twelve weeks of age before liberation date.~~

~~(3) All game birds released for hunting on a controlled hunting area shall be marked by banding, toe clipping, or some other method approved by the Game and Parks Commission prior to release. Any game bird killed by a hunter on a controlled hunting area which does not have a band shall be banded prior to being transported from such area. The licensee shall pay to the commission the sum of not less than ten cents and not more than fifteen cents, as established by the commission pursuant to section 81-814.02, for each band used to mark game birds.~~

~~(4) The licensee shall furnish a receipt to each hunter taking game birds on the controlled hunting area which shall indicate the name of the hunter, the date of the taking, the sex and species of the game birds taken, and the name of the controlled hunting area.~~

Sec. 32. Section 37-906, Reissue Revised Statutes of Nebraska, is amended to read:

37-906. For the purpose of sections 37-901 to ~~37-914~~ 37-912, ~~at least five~~ the licensee of a controlled shooting area shall release not less than two hundred game birds annually ~~shall~~

~~be released~~ upon ~~such~~ a licensed ~~game breeding and~~ controlled shooting ~~areas in a manner satisfactory to the Game and Parks Commission~~ area as specified in rules and regulations adopted and promulgated by the Game and Parks Commission. The licensee shall keep a register which shall clearly show the number and kind of game birds released and propagated each year, the date of release, the number and kind of game birds taken, the date when taken, and the disposition made of such game birds. He or she shall also make such reports under oath as to game birds released, propagated, and taken, at such times and in such manner as may be required by the commission. The commission shall keep an adequate record of the number of game birds released and propagated on each licensed ~~game breeding and~~ controlled shooting area in each year and of the game birds taken.

Sec. 33. Section 37-907, Reissue Revised Statutes of Nebraska, is amended to read:

37-907. No person shall take any upland game birds and hand-reared mallard ducks upon ~~such breeding and~~ a controlled shooting area by shooting in any manner, except ~~between September 1 and April 1 of each year~~ from September 1 through March 31 of the following year. A person may take game birds which are obtained from the holder of a captive wildlife permit upon a controlled shooting area as prescribed in section 37-513.

Sec. 34. Section 37-908, Reissue Revised Statutes of Nebraska, is amended to read:

37-908. ~~Every~~ An individual taking game birds upon a licensed ~~game breeding and~~ controlled shooting area shall ~~secure~~ hold a hunting ~~license~~ permit and a habitat stamp in accordance with the laws of the State of Nebraska, except that nonresidents ~~of the State of Nebraska shall~~ may, in addition to securing a habitat stamp, hold a nonresident controlled shooting area hunting permit as provided in section 37-909. ~~pay a license fee of not less than five dollars and not more than seven dollars, as established by the commission pursuant to section 81-814.02.~~

Sec. 35. Section 37-909, Reissue Revised Statutes of Nebraska, is amended to read:

37-909. The Game and Parks Commission may issue a nonresident controlled shooting area hunting permit to a nonresident who meets the requirements and pays the resident fees required for a hunting permit as provided in sections 37-202 and 37-204. The permit is valid for hunting on any controlled shooting area. A nonresident shall carry the permit while hunting on a controlled shooting area and shall present the permit for examination upon demand by an officer or employee of the commission or a sheriff, deputy sheriff, or other peace officer. ~~designate any operator of a licensed game breeding and controlled shooting area or any of his or its agents or employees as a special representative of the commission. He shall have power to enforce the game law. He shall also prevent trespassing upon such property~~

~~and hunt and trap rodents and other animals or birds which are destroying or likely to destroy the game birds reared or liberated on such area. The special representative shall be subject to rules and regulations to be prescribed by the commission and shall serve without compensation from the commission.~~

Sec. 36. Section 37-910, Reissue Revised Statutes of Nebraska, is amended to read:

37-910. The Game and Parks Commission ~~is authorized to make~~ may adopt and promulgate rules and regulations for carrying out, administering, and enforcing ~~the provisions of~~ sections 37-901 to ~~37-914~~ 37-912. The ~~; PROVIDED, that the~~ commission shall limit the number of controlled shooting areas ~~proposed for licensing~~ so that the total acreage ~~licensed~~ for which licenses are issued ~~game breeding and controlled shooting areas~~ in any one county ~~shall~~ does not exceed one percent of the total acreage of the county. ~~in which the areas are sought to be licensed.~~ No license shall be issued for any controlled shooting area ~~whose~~ if (a) the boundary of the area lies within ~~five~~ two miles of the boundary of ~~any other~~ a commercial controlled shooting area for which a license has been issued or (b) the boundary of the area lies within two miles of the boundaries of two private controlled shooting areas for which licenses have been issued and which have a common boundary. ~~so licensed under the provisions of sections 37-901 to 37-914. No license shall be issued for any area whereon hand-reared mallard ducks are shot or to be shot if the area lies within three miles of any river or within three miles of any lake with an area exceeding three acres; PROVIDED, that a license may be issued for such area for the shooting of upland game birds only, and the rearing or shooting of hand-reared mallard ducks thereon shall be and is prohibited.~~

Sec. 37. Section 37-911, Reissue Revised Statutes of Nebraska, is amended to read:

37-911. (1) The commission shall keep all license applications for controlled shooting areas on file and available for public inspection. The commission shall hold a public hearing for any application for a controlled shooting area license and shall publish notice of such hearing in a legal newspaper published in or of general circulation in the county or counties where the controlled shooting area is located. The notice shall be published at least ten days prior to the date of the hearing.

(2) The Game and Parks Commission may either refuse to issue or refuse to renew or may suspend or may revoke any ~~game breeding and~~ controlled shooting area license if the commission finds, after notice and hearing as provided in this section, that ~~such the licensed area or the operator thereof is not complying or does not comply with the provisions of sections 37-901 to 37-914, or that such property or~~ the area is operated in violation of ~~other provisions of~~ sections 37-901 to ~~37-914~~ 37-912 or rules and regulations adopted under such sections, or is operated in an

unlawful or illegal manner. The ~~; PROVIDED, the~~ commission shall give the licensee ~~not refuse to issue, refuse to renew, nor suspend or revoke any license for any of these causes, unless the licensee affected has been given~~ at least fifteen days' notice in writing of the reasons for the action of the commission and an opportunity to appear before the commission or a representative ~~thereof~~ of the commission in opposition to the action of the commission. ~~Upon the hearing of any such proceeding, the~~ The secretary of the commission~~,~~ or any representative of the commission designated by ~~him,~~ the secretary may administer oaths and the commission may procure by its subpoena the attendance of witnesses and the production of relevant books and papers. Any district court or any judge of a district court, upon application of either the licensee ~~affected~~ or of the commission, may on order duly entered require the attendance of witnesses and the production of relevant books and papers before the commission or its representative in any such hearing. ~~Upon refusal or neglect to obey the order of the court or judge, the court or judge may compel obedience of its or his order by proceedings for contempt of court.~~

Sec. 38. Section 37-912, Reissue Revised Statutes of Nebraska, is amended to read:

37-912. Whenever a license for a controlled shooting area ~~or permit~~ is issued to any person and the holder ~~thereof shall violate or shall be~~ of the license violates or is found guilty of a violation of any of the provisions of sections 37-901 to ~~37-914,~~ 37-912 or of any misrepresentation in obtaining ~~such~~ the license, ~~or permit,~~ the license ~~or permit so issued to such a person~~ may be revoked by the Game and Parks Commission, and the secretary of the commission may, in his or her discretion, refuse to issue any ~~permit or~~ license to such person for the period of one year ~~thereafter~~ after the revocation.

Sec. 45. The following sections are outright repealed: Sections 37-913 and 37-914, Reissue Revised Statutes of Nebraska.".

2. Renumber the remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 99 in the Journal. No objections. So ordered.

AM1816

(Amendments to Standing Committee amendment, AM1188)

1. On page 5, line 27, strike "person" and insert "owner of land within the district or served by the canal company".

2. On page 6, line 1, strike "two weeks" and insert "seven calendar days"; in line 5, after "company" insert ", or the board's designee,"; and in line 7, after the period insert "Notice of a hearing under this subsection shall be published at least seven calendar days prior to the hearing in at least one newspaper of general circulation in each county containing lands upon which the water appropriation is or is proposed to be applied. If the

hearing is held by the board's designee, the board's designee shall make a written recommendation to the board within fifteen calendar days after the hearing. The board shall act upon the proposed transfer at the board's next regular or special meeting following receipt of the designee's recommendation.".

VISITORS

Visitors to the Chamber were fourth grade students and teacher from Shelton; 45 third through sixth grade students and sponsor from Elba; 30 fourth grade students and sponsor from Shoemaker Elementary, Grand Island; and Kathy and Ron Bauer from Sacramento, California.

The Doctor of the Day was Les Veskrna from Lincoln.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 8:30 a.m., Wednesday, April 26, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-NINTH DAY - APRIL 26, 1995

LEGISLATIVE JOURNAL

SIXTY-NINTH DAY - APRIL 26, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 26, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Edward Price, All Nations Church of the Lord Jesus Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Day and Mrs. Hillman who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Brashear, Bromm, Chambers, Elmer, Engel, Hall, Kristensen, Landis, Lindsay, Wesely, Will, Mmes. Bohlke, Brown, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 337, 337A, and 752.

Enrollment and Review Change to LB 337

The following changes, required to be reported for publication in the Journal, have been made:
ER9056
1. On page 1, line 3, "32-1409, and 32-1413" has been struck and "and 32-1409" inserted.

Enrollment and Review Change to LB 752

The following changes, required to be reported for publication in the Journal, have been made:
ER9057

1. In the Beutler amendment, FA166, on page 1, line 2, "12" has been struck and "11" inserted; and in line 4 "Health" has been inserted after "Mental".
2. In the Robak amendment, AM1388, on page 1, line 3, "Sections 1 to 10 of this" has been struck and "This" inserted.

(Signed) David I. Maurstad, Chairperson

MESSAGES FROM THE GOVERNOR

April 24, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Nebraska Environmental Quality Council.

APPOINTEES:
Fred E. Hlava, 136 N. Pine, Gordon, NE 69343
Richard Sommer, 15533 Hwy 385, Chadron, NE 69337
Dennis Heermann, 227 N. Howe St., Valentine, NE 69201
Nancy Andrews, 9468 Jones St., Omaha, NE 68114
Jack Dixon, 901 Ninth St., Wisner, NE 68791
Janet Bernard-Stevens, 301 North Bryan Ave., North Platte, NE 69101
Conrad Boehler, RR 1, Box 80, Orleans, NE 68966
Paul Fuhrer, 15318 California St., Omaha, NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

April 24, 1995

Madam President, Speaker Withem,
  and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Commission for the Hearing Impaired.

APPOINTEES:
Lindsay R. Darnall, P.O. Box 65, Polk, NE 68654
Jerry A. Hohnbaum, P.O. Box, North Platte, NE 69103-0334
David F. Conway, 5011 Chicago Street, Omaha, NE 68132

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

April 24, 1995

Madam President, Speaker Withem,
  and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Child Abuse Prevention Fund Board.

APPOINTEE:
Timothy C. Bachenberg, M.D., 920 South 2nd Street, Broken Bow, NE 68822

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

REPORT

The following report was received by the Legislature:

University of Nebraska
  Institute of Agriculture and Natural Resources, 1994 Food Manufacturing Industry Annual Report

GENERAL FILE

LEGISLATIVE BILL 729. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Standing Committee amendment, AM0339, found in the Journal on page 820, was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 583. Title read. Considered.

Standing Committee amendment, AM0603, found in the Journal on page 889, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 28 ayes, 2 nays, 6 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 762. Title read. Considered.

Mr. Hartnett moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 26 ayes, 3 nays, 8 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 473. Title read. Considered.

Standing Committee amendment, AM0810, found in the Journal on page 1000, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 535. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 544. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 669. E & R amendment, AM7115, found in the Journal on page 1730, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 671. E & R amendment, AM7118, found in the Journal on page 1732, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 309. E & R amendment, AM7117, found in the Journal on page 1732, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 598. Advanced to E & R for engrossment.
LEGISLATIVE BILL 774. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 530. Title read. Considered.

Standing Committee amendment, AM1400, printed separately from the Journal and referred to on page 1454, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch renewed his pending amendment, AM1684, found in the Journal on page 1737, to the Standing Committee amendment.

MR. HALL PRESIDING

The Lynch amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Wesely and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Robinson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

PRESIDENT ROBAK PRESIDING

The Standing Committee amendment, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - **Print in Journal**

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

AM1763

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any municipality which intends to provide or expand municipal solid waste collection service in an area where the collection of solid waste has been provided by a private entity for a minimum of ninety days shall proclaim its intent to begin municipal solid waste collection in the area, whether by the use of municipal employees and equipment or by contract. The proclamation shall be made by a vote of the governing body at a public meeting.

Sec. 2. A municipality shall not commence municipal solid waste collection in an area described in section 1 of this act for one year after the date of the proclamation of intent to serve the area unless (1) the municipality contracts with the private entity currently providing the service under the same terms and conditions which the municipality provides to residents of the municipality through the municipal solid waste collection service for the same one-year period of time, (2) the municipality provides for the service through property taxes or other general funds in whole or part, or (3) the private entity currently providing service discontinues the service to the area.".

Mr. Withem asked unanimous consent to print the following amendment to LR 6CA in the Journal. No objections. So ordered.

AM1818

1. On page 5, line 2; and on page 8, line 27; after "but" insert ", notwithstanding the First Amendment of the Constitution of the United States,".

RESOLUTION

LEGISLATIVE RESOLUTION 100. Introduced by Lindsay, 9; Pirsch, 10.

WHEREAS, the people of Nebraska have diverse cultural backgrounds and throughout the state's history people from many different cultures have made enriching contributions to local communities and the state; and

WHEREAS, Nebraskans should appreciate and celebrate that cultural diversity; and

WHEREAS, schools should be encourage to have activities and programs that celebrate cultural diversity and heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes April 24-28 as Nebraska Heritage Week.
2. That the Legislature encourages celebration of cultural diversity and heritage during that week as well as throughout the rest of the year.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Standing Committee amendment, AM1188, printed separately from the Journal and referred to on page 1446, was considered.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1347, found in the Journal on page 1444, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1347, found in the Journal on page 1444.

Mr. Wickersham offered the following substitute amendment:
AM1348

1. In AM1188:

a. Insert the following new section:

"Sec. 15. Section 46-231, Reissue Revised Statutes of Nebraska, is amended to read:

46-231. Each appropriation shall be determined in its priority and amount by the time at which it is made and the amount of water which the works are constructed to carry. An appropriator shall at no time be entitled to the use of more than he or she can beneficially use for the purposes for which the appropriation has been made, and the amount of any appropriation made by means of enlargement of the distributing works shall be determined in like manner.

No allotment from the natural flow of streams for irrigation shall exceed one cubic foot per second of time for each seventy acres of land nor three acre-feet in the aggregate during one calendar year for each acre of land for which such appropriation shall have been made, and no allotment shall exceed the least amount of water that experience may indicate is necessary, in the exercise of good husbandry, for the production of crops. Such limitations shall not apply to storage waters or to water appropriations transferred pursuant to sections 3 to 6 and 8 to 10 of this act.

When storage water is being used in addition to the natural flow, the person in charge of the ditch or canal shall, upon his or her request and within twenty-four hours thereof, be notified in writing by the user of such storage waters of the time of withdrawal from natural streams to be distributed according to law.

When an appropriation is for irrigation purposes and the amount is so small that a proper distribution and application is impossible, as much water as the applicant can use without waste may be allotted for a limited time so fixed as to give each appropriator his or her just share without violating other rights, so long as the volume of water used in a twenty-four-hour period does not exceed the amount of water that would otherwise have been allowed at the approved fixed continuous rate for a twenty-four-hour period.";

b. On page 19, line 22, after the second comma insert "46-231,"; and

c. Renumber the remaining sections accordingly.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1646, found in the Journal on page 1816.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1816, found in the Journal on page 1838.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 531. Title read. Considered.

Standing Committee amendment, AM1380, found in the Journal on page 1454, was considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA169
Strike lines 10 and 11 on page 2

MRS. CROSBY PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1735

(Amendments to Standing Committee amendments, AM0747)

1. Strike amendment 2.

2. Renumber the remaining amendments accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1827

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new section:

"Sec. 4. Section 28-511.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-511.01. (1) A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession of such property or its retail value, in whole or in part, does any of the following:

(a) Conceals or takes possession of the goods or merchandise of any store or retail establishment;

(b) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;

(c) Transfers the goods or merchandise of any store or retail establishment from one container to another;

(d) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; ~~or~~

(e) Alters, transfers, or removes any electronic article surveillance device or magnetically attached device affixed to the merchandise. Electronic article surveillance device means an electronic device or tag designed and operated for the purpose of detecting the removal from the premises or a protected area within the premises of specially marked or tagged merchandise;

(f) Causes the cash register or other sales recording device to reflect less than the retail price of the merchandise; or

(g) Removes merchandise from standard packaging or antitheft devices, including packaging, boxes, and devices known as keepers and long boxes, designed to be added to the merchandise to prevent illegal taking.

(2) In any prosecution for theft by shoplifting, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. Such photograph shall be accompanied by a written statement containing the following:

(a) A description of the property;

(b) The name of the owner or owners of the property;

(c) The time, date, and location where the shoplifting occurred;

(d) The time and date the photograph was taken;

(e) The name of the photographer; and

(f) Verification by the arresting officer.

The purpose of this subsection is to allow the owner or owners of shoplifted property the use of such property during pending criminal prosecutions.

Prior to allowing the use of the shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property, which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading.".

2. On page 29, line 17, after the first comma insert "28-511.01,".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1837

1. Insert the following new section:

"Sec. 14. Section 43-247, Reissue Revised Statutes of Nebraska, is amended to read:

43-247. The juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5), (6), and (8) of this section. As used in this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section. The juvenile court shall have concurrent original jurisdiction with the district court and county court as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen and any juvenile defined in subdivision (4) of this section.

Notwithstanding any disposition entered by the juvenile court under the Nebraska Juvenile Code, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who is under the age of sixteen who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile or (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section;

(6) The proceedings for termination of parental rights as provided in the Nebraska Juvenile Code;

(7) The proceedings for termination of parental rights as provided in section 42-364; and

(8) Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Social Services or any child placement agency licensed by the Department of Social Services.

Notwithstanding the provisions of the Nebraska Juvenile Code, the determination of jurisdiction over any Indian child as defined in section 43-1503 shall be subject to the Nebraska Indian Child Welfare Act.".

2. On page 29, line 17, after the last comma insert "43-247,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM0863

1. Insert the following new section:

"Sec. 12. Section 29-2257, Reissue Revised Statutes of Nebraska, is amended to read:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.".

2. On page 29, line 17, after the last comma insert "29-2257,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1237

1. Insert the following new section:

"Sec. 30. (1) Structured programming shall be planned for all adult persons committed to the department. The structured programming shall include any of the following: Work programs, vocational training, behavior management and modification, money management, and substance abuse awareness, counseling, or treatment. Programs and treatment services shall address:

(a) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;

(b) Drug and alcohol use and addiction;

(c) Health and medical needs;

(d) Education and related services;

(e) Counseling services for persons committed to the department who have been physically or sexually abused;

(f) Work ethics and structured work programs; and

(g) The development and enhancement of job acquisition skills and job performance skills.

(2) The goal of such structured programming is to provide the skills necessary for the person committed to the department to successfully return to his or her home or community or to a suitable alternative community upon his or her release from the secure confinement facility.

(3) If a person committed to the department refuses to participate in the structured programming described in subsection (1) of this section, he or she shall be subject to disciplinary

action, including a loss of privileges, good time, or both, by the department.

(4) In no event shall a person committed to the department be ineligible for good time due to the unavailability of services referred to in this section.

(5) Any person committed to the department who is qualified by reason of education, training, or experience to teach academic or vocational classes may be given the opportunity to teach such classes to committed offenders as part of the structured programming described in this section.".

2. On page 3, line 4, strike "29" and insert "30".

3. Renumber the remaining sections accordingly.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1238

1. On page 21, line 10, strike "subsection (1)" and insert "subsections (1) and (2)"; in line 18 after the period insert paragraphing and "(2)" and strike "may" and insert "shall"; and strike beginning with "participation" in line 21 through "plan" in line 24 and insert ":

(a)(i) The committed offender's successful participation in or completion of a department-approved educational program or the awarding of a high school diploma while incarcerated;

(ii) The committed offender's having received a high school, general educational development, or college diploma or the offender's successful completion of any other continuing educational program as offered by the department; or

(iii) The committed offender's successful participation in teaching an academic or vocational class offered by the department;

(b) The committed offender's successful completion of a department-approved substance abuse or addiction treatment program while he or she is incarcerated;

(c) The committed offender's successful completion of a department-approved criminal personality treatment program while he or she is incarcerated;

(d) The committed offender's demonstrated work ethic as shown by obtaining and maintaining regular employment in the correctional system;

(e) The committed offender's successful completion of a department-approved psychiatric counseling or treatment program while he or she is incarcerated; or

(f) Any other program deemed necessary and appropriate by the department".

2. On page 22, line 4, strike "(2)", show as stricken, and insert "(3)"; in lines 5 and 6 and 11 strike "subsection (1)" and insert "subsections (1) and (2)"; in line 10 strike "(3)", show

as stricken, and insert "(4)"; and in line 17 strike "(4)", show as stricken, and insert "(5)".

3. On page 26, lines 23 and 24, strike "subsection (1)" and insert "subsections (1) and (2)".

VISITORS

Visitors to the Chamber were 35 fourth grade students and sponsors from Brownell-Talbot, Omaha; 39 fifth grade students and teacher from Howard Elementary, Fremont; 50 third grade students from Hayward Elementary, Nebraska City; and 24 fourth grade students, principal, and teacher from Wood River Elementary.

RECESS

At 12:00 noon, on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Ms. Day and Mrs. Hillman who were excused; and Messrs. Abboud, Elmer, Landis, Schrock, Wesely, Will, Mmes. Bohlke, McKenzie, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 106. The Beutler pending amendment, FA169, found in the Journal on page 1848, was renewed.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Janssen moved the previous question. The question is, "Shall the debate now close?"

Mr. Janssen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 11:

Bernard-Stevens
Beutler
Chambers
Hall
Lindsay
Pedersen
Preister
Schimek
Wesely
Will
Withem

Voting in the negative, 24:

Abboud
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Fisher
Hudkins
Janssen
Jones
Kristensen
Maurstad
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Present and not voting, 7:

Avery
Hartnett
Jensen
Lynch
Matzke
Robinson
Witek

Excused and not voting, 7:

Bohlke
Day
Engel
Hillman
Landis
McKenzie
Pirsch

The Beutler amendment lost with 11 ayes, 24 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
FA170
On lines 10 & 11, page 2 strike the words "insecticides, fungicides"

SPEAKER WITHEM PRESIDING

Mrs. Robak and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 9 nays, and 27 not voting.

Pending.

MESSAGE FROM THE GOVERNOR

April 26, 1995

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 424, 448, 448A, 467, 759, 862, 187, 194, 372, 381, 381A, 434, 449, 449A, 456, 541, 599, 601, 756, and 874 were received in my office on April 21, 1995.

These bills were signed by me on April 26, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 146, 146A, 330, 376, 385, 514, 538, 572, 693, 693A, 872, and 889.

Enrollment and Review Change to LB 376

The following changes, required to be reported for publication in the Journal, have been made:

ER9060

1. In the E & R Amendments, AM7111, the matter beginning with "2" in line 1 through line 2 has been struck and "6," inserted.
2. On page 2, line 28, "shall present the" has been struck and shown as stricken.
3. On page 3, the matter beginning with "certificate" in line 1 through "and" in line 2 has been struck and shown as stricken; and in line 4 "and, for applications made on or after January 1, 1997, shall present the certificate of title acquired pursuant to sections 32-1275 to 32-1287" has been inserted after "commission".

Enrollment and Review Change to LB 514

The following changes, required to be reported for publication in the Journal, have been made:

ER9059

1. On page 4, line 17, "court" has been inserted after "county".

Enrollment and Review Change to LB 889

The following changes, required to be reported for publication in the Journal, have been made:

ER9061

1. On page 2, line 12, "STATE ACCOUNTING MANUAL" has been struck and "NEBRASKA ACCOUNTING SYSTEM MANUAL" inserted; and in line 13 "State Accounting Manual" has been struck and "Nebraska Accounting System Manual" inserted.

LEGISLATIVE BILL 382. Placed on Select File as amended.
E & R amendment to LB 382:
AM7130

1. On page 1, line 3, after "for" insert "hearings and".
2. On page 2, line 23, strike "in" and insert "by".
3. On page 3, line 3, strike "under" and insert "granted by"; in line 5 after "Interfere" insert "with"; in lines 6 and 10 strike "in" and insert "by"; in line 12 after "employees" insert "as"; and in line 21 strike "of" and insert "after".
4. On page 4, line 5, strike "of" and insert "after"; in line 7 before "rules" insert "the"; and in line 9 strike "from" and insert "after".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM1832.)

GENERAL FILE

LEGISLATIVE BILL 106. The Beutler pending amendment, FA170, found in this day's Journal, was renewed.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Messrs. Lynch and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the Beutler amendment.

Voting in the affirmative, 8:

Bernard-Stevens
Beutler
Chambers
Pirsch
Preister
Schimek
Will
Withem

Voting in the negative, 17:

Bohlke
Brashear
Coordsen
Dierks
Elmer
Fisher
Hudkins
Jones
Maurstad
McKenzie
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 16:

Avery
Bromm
Brown
Crosby
Cudaback
Hall
Hartnett
Jensen
Kristensen
Lindsay
Matzke
Robak
Robinson
Schellpeper
Wehrbein
Wesely

Excused and not voting, 8:

Abboud
Day
Engel
Hillman
Janssen
Landis
Lynch
Pedersen

The Beutler amendment lost with 8 ayes, 17 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA171
On line 3, page 2 strike the word "water"

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment:
FA172
On line three, page 2 strike the word "storage"

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch and Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Hall offered the following amendment:
FA173

On page 2, line 6, after "life" insert "." and then strike the balance of line 6, and all of lines 7 & 8.

Messrs. Janssen and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 729. Placed on Select File.

LEGISLATIVE BILL 567. Placed on Select File as amended.
E & R amendment to LB 567:
AM7132

1. On page 2, line 10, after "for" insert "the".

LEGISLATIVE BILL 583. Placed on Select File as amended.
E & R amendment to LB 583:
AM7134

1. On page 1, lines 2 and 3, strike "sections 37-215 and 37-1214" and insert "section 37-215"; strike line 5; and in line 6 strike "to provide operative dates" and insert "provide an operative date".

LEGISLATIVE BILL 762. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Maurstad and Coordsen asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1849
(Amendments to Standing Committee amendments, AM0885)

1. On page 5, after line 14 insert the following new subsection:

"(6) A governing body may choose not to increase its anticipated aggregate receipts from property taxes over its anticipated aggregate receipts from property taxes from the prior fiscal year. In such case, the Auditor of Public Accounts shall calculate the amount of unused anticipated aggregate receipts from property taxes which shall be carried forward to future fiscal years so a governing body may increase its anticipated aggregate receipts from property taxes in future fiscal years by the amount of such total unused anticipated aggregate receipts from property taxes in addition to the amount allowable for the specific fiscal year.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 265 in the Journal. No objections. So ordered.

AM1829

1. Insert the following new sections:

"Section 1. The Legislature recognizes that a revitalized railroad industry is essential to the well-being of the citizens of Nebraska and to the national economy, but such revitalization is accompanied by increases in rail traffic across the state. Such increased traffic brings with it the possibility of additional hazards to Nebraska motorists, frustrations caused by lengthy delays at highway-rail crossings, increases in emergency response times for police, fire, and rescue personnel, as well as disruptions in service to rail customers caused by operational delays necessary to keep roads and highways unobstructed.

The Legislature further recognizes that crafting a meaningful solution to such a complex problem will require a review of our current state and local transportation network and the laws and agencies that impact transportation and an assessment of possible modifications to rail and highway traffic patterns and to state and local laws that could enhance safety by expediting traffic flows for motorists and railroad carriers. Such a review and assessment will require the cooperation and input of state and local transportation officials, private and commercial highway users, the railroad industry, and the public at large.

Sec. 2. The Nebraska Highway-Rail Crossing Safety Committee is created. The committee shall carry out the duties specified in section 3 of this act. The Governor shall appoint the following members:

(1) One elected official representing cities of the first class;

(2) One elected official representing cities of the second class;

(3) One elected official representing villages;

(4) One person representing railroad transportation safety districts;

(5) Two persons representing railroad corporations operating within the State of Nebraska;

(6) One active member of a railroad operating craft union representing Nebraska Operation Lifesaver;

(7) One person representing county highway superintendents and engineers;

(8) One commissioner or supervisor representing county

boards;

(9) One person representing commercial highway users; and

(10) One person representing the public at large.

The Director-State Engineer shall represent the Governor and shall serve as chairperson of the committee.

The committee shall cease to exist on January 1, 1997, and sections 2 to 4 of this act shall terminate on such date.

Sec. 3. (1) The Nebraska Highway-Rail Crossing Safety Committee shall examine issues related to highway-rail crossing safety in the State of Nebraska and shall make a report of its findings, conclusions, and recommendations to the Governor and the Legislature within six months after the effective date of this act.

(2) The issues to be examined and considered by the committee shall include:

(a) Provisions of law relating to highway-rail crossings;

(b) The division of authority provided by law between agencies of the state and political subdivisions in the administration of current statutes pertaining to highway-rail crossings;

(c) Standards to be utilized in the development of statewide crossing consolidation, with consideration given to standards and policy which should be considered in the establishment of a safety rating for individual crossings;

(d) The need for and scope of increased public information programs by the state to educate state and local officials and the general public regarding issues related to crossing safety;

(e) The economic and public safety consequences associated with railroad blockage of crossings;

(f) The current procedures and policies to assist political subdivisions in the crossing consolidation process; and

(g) Nebraska liability laws relating to crossings.

Sec. 4. The members of the Nebraska Highway-Rail Crossing Safety Committee shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The Department of Roads shall provide any technical and professional assistance the committee requires upon request of the chairperson of the committee.

Sec. 5. No reports, surveys, schedules, lists, correspondence, statements, or other data of whatever nature compiled for the purpose of identifying hazards, evaluating safety, or planning the elimination or enhancement of crossings provided to the Nebraska Highway-Rail Crossing Safety Committee from the Department of Roads, a railroad, a governmental entity, or any other source, nor any recommendations, conclusions, findings, or reports made by the committee, shall be admitted into evidence in any court or considered for any other purpose in any action for damages arising from any occurrence at a location mentioned or addressed therein.".

2. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 535 in the Journal. No objections. So ordered.

AM1826

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

VISITORS

Visitors to the Chamber were 60 fourth grade students and sponsors from Pawnee Elementary, Omaha; 28 seniors and sponsor from Red Cloud; a group from O'Neill; Eleanor, David, Jennifer, Maggie, and Eli Last from Shubert; Corine, John, and Maren Vik from Yutan; and Coleen and Richard Ingerle from Elba.

ADJOURNMENT

At 4:59 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 8:30 a.m., Thursday, April 27, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTIETH DAY - APRIL 27, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 27, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Ron Gunsolley, Victory Road Evangelical Free Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Day, Mrs. Hillman, and Mr. Landis who were excused; and Messrs. Abboud, Avery, Beutler, Chambers, Dierks, Hall, Lindsay, Schellpeper, Warner, Wehrbein, Wesely, Wickersham, Will, Mmes. Pirsch, Robak, and Witek who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

REPORT

The following report was received by the Legislature:

Roads, Department of
  Board of Public Roads Classifications and Standards, Minutes for March 17, 1995

UNANIMOUS CONSENT - Member Excused

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 593. E & R amendment, AM7112, found in the Journal on page 1689, was adopted.

Mr. Hartnett offered the following amendment:
AM1812

1. Insert the following new sections:

"Sec. 9. The Department of Motor Vehicles shall adopt and promulgate rules and regulations necessary to fulfill any duties and obligations as provided in sections 18-1736 to 18-1741.07.

Sec. 11. Sections 3, 5, and 12 become operative on September 9, 1995. The other sections of the act become operative on their effective date.

Sec. 12. Original sections 18-1738 and 18-1739, Revised Statutes Supplement, 1994, are repealed.".

2. In the Standing Committe amendment, AM0380:

a. On page 1, line 5, after "parking" insert "prior to September 10, 1993,"; and in line 8 after "parking" insert "after September 9, 1993, and before September 10, 1995,"; and

b. On page 2, line 13, after "physician" insert ", physician assistant, or nurse practitioner".

3. On page 6, line 3, after "physician" insert ", physician assistant, or nurse practitioner".

4. On page 7, line 12, strike beginning with "Persons" through "permits", show as stricken, and insert "A person applying for a permit or for the renewal of a permit".

5. On page 9, strike beginning with "The" in line 5 through line 11 and show the old matter as stricken.

6. On page 11, line 24, after "village" insert "ordinance"; and in line 26 strike "to 18-1741.07".

7. On page 12, line 3, strike "to 18-1738.01, 18-1739" and insert ", 18-1738.01".

8. Renumber the remaining section accordingly.

The Hartnett amendment was adopted with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 593A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 265. Mr. Kristensen renewed his pending amendment, AM1829, found in the Journal on page 1860.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Mr. Withem offered the following amendment:
AM1856

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Withem amendment was adopted with 29 ayes, 0 nays, 3 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 397. E & R amendment, AM7114, found in the Journal on page 1711, was adopted.

Mr. Bromm renewed his pending amendment, AM1377, found in the Journal on page 1815.

The Bromm amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 499. Mr. Warner renewed his pending amendment, AM1682, found in the Journal on page 1801.

The Warner amendment was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 805. Mr. Pedersen offered the following amendment:
AM1794

1. Insert the following new section:

"Section 1. Section 14-373, Reissue Revised Statutes of Nebraska, is amended to read:

14-373. Each city of the metropolitan class is authorized and required to prepare a plan for its future physical development and growth. Such plan shall be prepared, and shall be carried out by an appropriate city board or official. The plan may include such lands outside the corporate limits of the city as may bear a relation to the development of the city. A planning board may be given such other powers and duties by statute or charter as may be appropriate. The planning board shall have at least two members who reside outside of the corporate limits of the city but within the area subject to the city's jurisdiction as defined in section 14-116. In the event that on the effective date of this act there are not sufficient vacancies to provide for the appointment of two such nonresident board members, then as soon thereafter as vacancies may occur of planning board members who reside within the corporate limits of the city, such vacancies shall be filled by the appointment of members who reside outside of the corporate limits of the city but within the area subject to the city's jurisdiction as defined in section 14-116 until there are two such members on the planning board, and there shall, at all times thereafter, be two such members on the planning board.".

2. On page 3, line 7, strike "section" and insert "sections 14-373 and"; and in line 8 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Pedersen withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 739. Mrs. Witek offered the following amendment:
AM1851

1. On page 3, line 5, strike beginning with the first comma through "safety" and after "child" insert ", including the needs and safety of the child,"; in line 6 strike "first"; in line 9 strike beginning with "interest" through "safety" and insert "interests of the child, including the needs and safety"; and in lines 9 and 10 strike "not compromised" and insert "considered".

The Witek amendment was adopted with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 120. E & R amendment, AM7125, found in the Journal on page 1818, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 193. E & R amendment, AM7124, found in the Journal on page 1818, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 118. E & R amendment, AM7126, found in the Journal on page 1819, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 356. E & R amendment, AM7129, found in the Journal on page 1829, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 291. Advanced to E & R for engrossment.

LEGISLATIVE BILL 699. E & R amendment, AM7127, found in the Journal on page 1829, was adopted.

Mr. Brashear offered the following amendment:
AM1808

1. Insert the following new section:

"Sec. 3. Section 48-523, Reissue Revised Statutes of Nebraska, is amended to read:

48-523. If employment furnished the applicant does not continue more than ninety days, through no fault of the employee, then all fees paid or pledged by the employee, with the exception of an amount equal to ten percent of the gross earnings during the period of actual employment, shall be refunded by the private employment agency to the employee upon demand. Whenever there are changes in the original service fee, the agency shall issue an amended record. ~~and mail a copy of such record to the Commissioner of Labor as prescribed in section 48-508.~~".

2. On page 3, line 3, strike "and 48-508" and insert ", 48-508, and 48-523".

3. Renumber the remaining section accordingly.

The Brashear amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. E & R amendment, AM7128, found in the Journal on page 1829, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Standing Committee amendment, AM0692, found in the Journal on page 1148, was considered.

Mrs. McKenzie withdrew her amendment, AM1647, found in the Journal on page 1645.

Mrs. McKenzie renewed her pending amendment, AM1763, found in the Journal on page 1845, to the Standing Committee amendment.

The McKenzie amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to cancer; to amend sections 71-7001, 71-7002, 71-7003, 71-7004, 71-7009, 71-7010, 71-7012, and 71-7013, Revised Statutes Supplement, 1994; to require insurance coverage for screening mammography as prescribed; to change provisions relating to mammography; to provide for early detection of cervical cancer; to authorize funding for breast and cervical cancer detection; to rename a fund; to rename a committee and change its membership; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Cudaback
Jensen
Wickersham
Witek

Excused and not voting, 9:

Chambers
Day
Hall
Hillman
Landis
Lindsay
Pirsch
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 68A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 68, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 6:

Bromm
Cudaback
Jensen
Jones
Lynch
Witek

Excused and not voting, 9:

Chambers
Day
Hall
Hillman
Landis
Lindsay
Pirsch
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 447.

A BILL FOR AN ACT relating to highways; to amend section 39-1353, Reissue Revised Statutes of Nebraska; to change provisions relating to construction contract proposal forms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Witek
Withem

Voting in the negative, 3:

Beutler
Warner
Wesely

Present and not voting, 4:

Brown
Kristensen
Schrock
Wickersham

Excused and not voting, 8:

Chambers
Day
Hall
Hillman
Landis
Lindsay
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT relating to education; to amend section 79-3801, Reissue Revised Statutes of Nebraska; to change provisions relating to impact aid; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud
Avery

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Cudaback
Fisher
Jensen
Robinson
Vrtiska

Excused and not voting, 8:

Chambers
Day
Hall
Hillman
Landis
Lindsay
Wehrbein
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 718.

A BILL FOR AN ACT relating to animals; to amend sections 37-719 and 54-701.03, Reissue Revised Statutes of Nebraska, and sections 37-505, 37-703, 37-705, and 37-706, Revised Statutes Supplement, 1994; to classify domesticated elk and deer and ratite birds as livestock; to define and redefine terms; to change sale, possession, importation, and production restrictions; to provide for the Domesticated Cervine Animal Registry; to provide a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback
Preister

Excused and not voting, 8:

Chambers
Day
Hall
Hillman
Landis
Lindsay
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 837. With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 44-4233, Reissue Revised Statutes of Nebraska, and sections 44-5253, 44-5256, and 44-5260, Revised Statutes Supplement, 1994; to change provisions relating to Comprehensive Health Insurance Pool assessments and small employer health insurance; to adopt the Health Care Purchasing Pool Act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens
Jensen
Kristensen
Witek

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay

Wehrbein
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 251.

A BILL FOR AN ACT relating to ground water; to provide for certain transfers of ground water as prescribed; to provide procedures for objections; and to provide for rules and regulations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Maurstad
Schimek

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to counties; to amend section 23-1206.01, Reissue Revised Statutes of Nebraska; to change provisions relating to county attorneys; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Coordsen
Janssen
Robinson

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 346.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-208, Reissue Revised Statutes of Nebraska, and section 17-107, Revised Statutes Supplement, 1994; to authorize hearings for disciplinary actions and removals of police officers; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
Pedersen

Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Coordsen
McKenzie
Warner

Excused and not voting, 6:

Day
Hall
Hillman
Landis
Lindsay
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 396.

A BILL FOR AN ACT relating to real property; to amend sections 45-711, 76-252, and 76-1014.01, Revised Statutes Supplement, 1994; to change provisions relating to releases and reconveyances; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

McKenzie
Warner

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Schmitt
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 451.

A BILL FOR AN ACT relating to foster care; to amend sections 71-1902 and 71-1905, Reissue Revised Statutes of Nebraska, sections 71-1901, 71-1903, and 71-1910, Revised Statutes Supplement, 1994, and section 71-1904, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 402, Ninety-fourth Legislature, First Session, 1995; to provide for licensure standards for Native American foster homes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Fisher
Robinson
Warner

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Schmitt
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1918, Revised Statutes Supplement, 1994; to change a date relating to the county treasurer's annual report on delinquent real estate taxes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak
Robinson

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Schmitt
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 527.

A BILL FOR AN ACT relating to real estate; to amend section 76-214, Revised Statutes Supplement, 1994; to provide access to certain statements relating to recording title to real estate; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Robak
Wesely

Excused and not voting, 7:

Day
Hall
Hillman
Landis
Lindsay
Schmitt
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 589.

A BILL FOR AN ACT relating to the statutes; to amend sections 2-955, 18-510, 21-20,130, 21-20,131, 28-1475, 31-331, 31-333, 35-517, and 46-197, Reissue Revised Statutes of Nebraska, section 49-765, Revised Statutes Supplement, 1994, and sections 2A-104, 9-203, 9-302, and 9-306, Uniform Commercial Code; to change and eliminate references to the Revised Statutes of Nebraska; to repeal a provision governing citation of the statutes; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-803, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner

Wehrbein Will Witek Withem

Voting in the negative, 0.

Present and not voting, 5:

Lynch Matzke Robinson Wesely Wickersham

Excused and not voting, 6:

Day Hillman Landis Lindsay Schmitt
Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 26, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Nebraskans for Fair Gaming Inc.	
Millek, K. Georgene - Grand Island	Nebraskans for Fair Gaming Inc.
Stump, H. Daniel - Kearney	Nebraskans for Fair Gaming Inc.
Schmidt, Tom - St. Paul, MN	Pfizer Pharmaceuticals

CORRECTED SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 772.

Enrollment and Review Change to LB 772

The following changes, required to be reported for publication in the Journal, have been made:
ER9062
1. On page 1, line 2, "; and to declare an emergency" has been inserted after "prescribed".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 172. Mr. Chambers moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 860. Mr. Robinson renewed his pending amendment, AM1576, printed separately from the Journal and referred to on page 1626.

Mr. Wickersham offered the following amendment to the Robinson pending amendment:
FA174
Amend AM1576
on page 4, line 16, strike "section 79-3819"
on page 8, line 7, strike "section 79-3819"
on page 10, strike section 4 beginning on line 6 through line 5 on page 13.

Messrs. Maurstad, Hartnett, Schellpeper, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 68, 68A, 447, 542, 718, 837, 251, 285, 346, 396, 451, 488, 527, and 589.

SELECT FILE

LEGISLATIVE BILL 860. The Wickersham pending amendment, FA174, found in this day's Journal, to the Robinson pending amendment, AM1576, was renewed.

MRS. CROSBY PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Wickersham amendment was adopted with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Abboud, Chambers, Coordsen, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment to the Robinson pending amendment:
AM1858

(Amendments to AM1576)

1. Strike section 5 and all amendments thereto and insert the following new sections:

"Sec. 5. Section 81-1632, Reissue Revised Statutes of Nebraska, is amended to read:

81-1632. (1) Any school district may apply to the State Energy Office for an energy efficiency loan from the School Weatherization Fund, which fund is hereby created. Loans received pursuant to this subsection shall only be used for energy efficiency projects which are approved by the State Energy Office at the time the loan is approved. Energy efficiency projects may include studies, programs, building and equipment improvements, the purchase of telecommunications equipment including equipment to provide a direct connection to a statewide public computer information network, the purchase or conversion of vehicles to operate on alternate fuel, and the purchase and installation of fueling facilities for alternate-fuel vehicles. For purposes of this subsection, alternate fuel shall mean ethanol, methanol, electricity, compressed natural gas, liquefied natural gas, propane, and any other alternative fuel approved and recognized by the United States Department of Energy.

(2) The State Energy Office shall approve energy efficiency loan applications for proposed projects which will reduce energy use or result in a more efficient use of available energy resources. Any such loan not denied within forty-five days of its submission shall be considered approved. In determining whether to approve, reduce, or deny such application, the State Energy Office shall consider the type of project proposed and, when applicable, the life expectancy, projected energy savings, and simple payback. For purposes of this subsection, simple payback shall mean the cost of the project divided by the first year's estimated savings resulting from the project.

(3) Following approval of an energy efficiency loan application pursuant to this section, the State Energy Office shall submit vouchers against the School Weatherization Fund to the Director of Administrative Services for the amount of the approved loan as requests are received. The director shall, on a monthly basis or more frequently if requested, notify the State Energy Office of the balance available in the fund.

(4) Any school district may apply to the State Energy

Office for a technical analysis study grant. The State Energy Office shall adopt and promulgate rules and regulations pertaining to the application procedures, approval criteria, funding based on building floor area, and the required contents of a technical analysis study. The funds distributed in any fiscal year for such studies shall not exceed three percent of the funds available from the fund during that fiscal year. No technical analysis study grant shall exceed two thousand five hundred dollars for any one building. Grants received pursuant to this subsection shall only be used for technical analysis studies which are approved by the State Energy Office at the time the grant is approved. The school district shall submit a copy of the technical analysis report and an expense voucher to the State Energy Office as a request for payment. The State Energy Office shall submit a voucher to the director upon approval of the technical analysis study by the State Energy Office.

(5) Approved loan or grant applications shall be effected by contract or such other form or method as shall be provided by the State Energy Office. Loans shall be repaid in semiannual payments, with the first payment due six months after the date the project is completed. Loans shall carry no interest or finance charge, and payments ~~made prior to July 1, 1996,~~ shall be deposited in the fund. The amount of each semiannual payment on loans for studies, telecommunications equipment, alternate-fuel vehicles, and fueling facilities shall be established by the State Energy Office. The amount of each semiannual payment for all other loans shall be no less than one-fourth and no greater than one-half of the estimated first-year savings resulting from the project as established in the approved loan application, and no loan entered into prior to September 9, 1993, shall be made for a term longer than fourteen years after the completion of the project. Any loan made on or after September 9, 1993, for energy studies shall be repaid within five years from the date of such loan. Any loan made on or after September 9, 1993, for telecommunications equipment, alternate-fuel vehicles, or fueling facilities shall be repaid within ten years from the date of such loan. Any other loan made on or after September 9, 1993, shall be repaid within fourteen years from the date of such loan.

(6) The State Energy Office shall provide forms on which loan and grant applications may be made. The State Energy Office shall record and compile a complete list of all loan and grant applications and shall make an equitable geographic distribution of loans and grants as nearly as possible among the congressional districts provided in section 32-504.

Sec. 7. The following section is outright repealed: Section 81-1634, Reissue Revised Statutes of Nebraska.".

2. On page 13, line 18, strike "81-1634" and insert "81-1632".

3. Renumber the remaining section accordingly.

Pending.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 389. Placed on General File as amended. (Standing Committee amendment, AM1755, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 390. Placed on General File as amended.
Standing Committee amendment to LB 390:
AM1758

1. Strike original sections 10, 13, 54, and 61 and insert the following new sections:

"Sec. 7. Pursuant to the duties set forth in section 81-1113, allotments of General Fund appropriations to Agency 26, the Department of Social Services, shall be reduced in an amount equal to additional federal funds, less commission costs, secured as the result of a contract with MAXIMUS. Such reductions shall occur in the budget programs to which the additional federal funds are credited during FY1994-95. The State Budget Administrator shall report to the Legislative Fiscal Analyst no later than August 1, 1995, additional amounts credited to the state and attributable to the contracts and commission costs accrued as a result of such receipts and shall provide evidence of allotments reduced or limited in FY1994-95 in accordance with this section.

Sec. 13. AGENCY NO. 64 -- NEBRASKA STATE PATROL

Program No. 205 - Carrier Enforcement

CASH FUND	-0-	43,282
SALARY LIMIT	-0-	38,370

Sec. 15. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 573 - Task Force Operations

The salary limit for FY1994-95 is hereby increased by $21,000.

Sec. 18. Section 90-504, Reissue Revised Statutes of Nebraska, is amended to read:

90-504. AGENCY NO. 9 -- SECRETARY OF STATE

Program No. 22 - Departmental Administration

	FY1993-94	FY1994-95
GENERAL FUND	319,649	277,367
~~CASH FUND~~	~~37,000~~	~~30,000~~
~~PROGRAM TOTAL~~	~~356,649~~	~~307,367~~
~~SALARY LIMIT~~	~~218,659~~	~~220,783~~
CASH FUND	37,000	35,000
PROGRAM TOTAL	356,649	312,367
SALARY LIMIT	218,659	225,783

Sec. 19. Section 90-505, Reissue Revised Statutes of

Nebraska, is amended to read:

90-505. AGENCY NO. 9 -- SECRETARY OF STATE

Program No. 51 - Enforcement of Standards - Corporations

	FY1993-94	FY1994-95
GENERAL FUND	185,467	83,473
~~CASH FUND~~	~~15,000~~	~~15,000~~
~~PROGRAM TOTAL~~	~~200,467~~	~~98,473~~
CASH FUND	15,000	35,000
PROGRAM TOTAL	200,467	118,473
SALARY LIMIT	108,310	108,310

Of the unexpended General Fund balance existing on June 30, 1993, $10,000 is hereby reappropriated.

Sec. 46. Laws 1994, LB 991, section 62, is amended to read:

Sec. 62. AGENCY NO. 9 -- SECRETARY OF STATE

Program No. 89 - Uniform Commercial Code Central Filing

	FY1993-94	FY1994-95
CASH FUND	546,530	508,276
PROGRAM TOTAL	546,530	508,276
~~SALARY LIMIT~~	~~116,846~~	~~118,088~~
SALARY LIMIT	116,846	121,688

Sec. 59. Laws 1994, LB 991, section 127, is amended to read:

Sec. 127. AGENCY NO. 54 -- NEBRASKA STATE HISTORICAL SOCIETY

Program No. 648 - Nebraska State Historical Society

	FY1993-94	FY1994-95
GENERAL FUND	2,338,668	2,364,142
~~CASH FUND~~	~~379,271~~	~~390,008~~
CASH FUND	379,271	440,008
FEDERAL FUND est.	403,993	407,340
~~PROGRAM TOTAL~~	~~3,121,932~~	~~3,161,490~~
PROGRAM TOTAL	3,121,932	3,211,490
SALARY LIMIT	1,881,596	1,881,596

There is included in the appropriation to this program for FY1993-94 $150,000 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1994-95 $150,000 Federal Funds estimate for state aid, which shall only be used for such purpose.

The Department of Administrative Services shall monitor the appropriations and expenditures of the Nebraska State Historical Society for this program according to the following numerical program classification structure, as defined in the State Accounting Manual:

No. 43 - Departmental Administration
No. 258 - Research Library and State of Nebraska Archives
No. 541 - Museum Operation
No. 543 - Historical Markers
No. 552 - Historic Preservation

No. 632 - Hall of Fame Commission

The Nebraska State Historical Society shall have the authority and the responsibility to allocate the program appropriation in this section among the classifications listed.".

2. On page 3, lines 20 and 21, strike "8,076" and insert "22,076"; in line 22 strike the second "-0-" and insert "14,000"; in line 26 strike "13,217" and insert "13,218"; and in line 28 strike "76,217" and insert "76,218".

3. On page 4, strike lines 9 and 10; in line 20 strike "93,820" and insert "3,820"; after line 20 insert:

"CASH FUND -0- 90,000"

in line 26 strike "148,627" and insert "1,105,090"; after line 26 insert:

"CASH FUND -0- 153,515"

in line 27 strike "148,627" and insert "1,258,605"; and in line 28 strike "148,627" and insert "973,902".

4. On page 6, lines 2 and 4, strike "1,734,559" and insert "1,892,942".

5. On page 16, line 17, strike "875,268" and insert "1,037,398"; and in line 20 strike "1,721,307" and insert "1,883,437".

6. On page 18, line 22, before the period insert "and to address needed improvements to facilities".

7. On page 19, line 17, strike "5,180,171" and insert "5,190,511"; and in line 19 strike "5,180.171" and insert "5,190,511".

8. On page 20, line 6, strike "1,071,156" and insert "1,084,482"; in line 9 strike "1,101,156" and insert "1,114,482"; in line 16 and 17 strike "178,304" and insert "227,967"; and in lines 25 and 27 strike "322,266" and insert "332,192".

9. On page 21, strike line 1, show as stricken, and insert

"SALARY LIMIT 273,291 282,206"

and in lines 7 and 9 strike "773,379" and insert "781,741".

10. On page 51, line 16, before the comma insert "and to address needed improvements to facilities".

11. On page 57, lines 26 and 27, strike the new matter and reinstate the stricken matter.

12. On page 58, line 4, strike "582,911" and insert "579,802"; and in lines 5 and 6 strike the new matter and reinstate the stricken matter.

13. On page 60, line 12, strike "and" and insert "to"; in line 17 after "57," insert "62,"; in line 18 strike "124,", after "125," insert "127,", and strike "161, and" and insert "and 161,"; and in line 19 strike "169,".

14. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 391. Placed on General File as amended.

(Standing Committee amendment, AM1756, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 392. Placed on General File as amended.
(Standing Committee amendment, AM1754, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 393. Placed on General File.

LEGISLATIVE BILL 394. Placed on General File as amended.
Standing Committee amendment to LB 394:
AM1757

1. Strike original section 9 and insert the following new section:

"Sec. 20. AGENCY NO. 37 -- WORKERS' COMPENSATION COURT

Program No. 526 - Judges' Salaries

	FY1995-96	FY1996-97
CASH FUND	610,536	633,097
PROGRAM TOTAL	610,536	633,097
SALARY LIMIT	545,522	564,615".

2. On page 5, strike lines 19 and 20 and insert:

"GENERAL FUND	258,005	259,520
PROGRAM TOTAL	258,005	259,520"

and strike lines 26 through 28 and insert:

"GENERAL FUND	290,821	301,142
PROGRAM TOTAL	290,821	301,142
SALARY LIMIT	244,763	253,681".

3. On page 6, after line 6 insert the following new paragraph:

"It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, then the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendment to LB 395:
AM1795

1. Insert the following new sections:

"Section 1. Section 81-1317, Reissue Revised Statutes of Nebraska, is amended to read:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by the Legislature, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment for ~~FY1993-94 and FY1994-95~~ FY1995-96 and FY1996-97 for employees not covered by collective-bargaining agreements, including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining.

Sec. 2. Section 81-1317.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1317.01. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted by the employer-representative as defined in section 81-1371 for ~~FY1993-94 and FY1994-95~~ FY1995-96 and FY1996-97 to address changes arising out of collective bargaining.

Sec. 3. Section 81-1348, Reissue Revised Statutes of Nebraska, is amended to read:

81-1348. There is hereby created the Suggestion Award Board. The membership of such board shall consist of the Director of Personnel, the Director of Administrative Services, the Auditor of Public Accounts, and three persons, each to serve a term of ~~one year~~ two years, selected and appointed by the Governor from the bargaining units listed in section 81-1373. Of the persons selected from such bargaining units, one person shall be selected from each of such bargaining units as follows:

(1) The first ~~year~~ term from the bargaining units listed in subdivisions (1)(a), (b), and (l) of such section;

(2) The second ~~year~~ term from the bargaining units listed in subdivisions (1)(c), (d), and (g) of such section;

(3) The third ~~year~~ term from the bargaining units listed in subdivisions (1)(e), (f), and (h) of such section; and

(4) The fourth ~~year~~ term from the bargaining units listed in subdivisions (1)(i), (j), and (k) of such section.

After the fourth ~~year~~ term, the appointments shall be made starting from subdivision (1) of this section and following the same sequence.

Whenever a vacancy occurs on the board for any reason, the Governor shall appoint an individual to fill such vacancy from the same bargaining unit in which the vacancy exists.

The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

The board shall adopt and promulgate rules and regulations to aid in carrying out sections 81-1350 and 81-1351.".

2. On page 4, line 4, strike "section" and insert "sections 81-1317, 81-1317.01, 81-1348, and"; and in line 5 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 281. Placed on General File as amended.
Standing Committee amendment to LB 281:
AM1759

1. Strike the original section and insert the following new sections:

"Section 1. There is hereby appropriated (1) $100,000 from the General Fund for FY1995-96 and (2) $100,000 from the General Fund for FY1996-97 to the Department of Agriculture, for Program 27, to provide funding for an international trade initiative.

Sec. 2. There is hereby appropriated (1) $500,000 from the General Fund for FY1995-96 and (2) $500,000 from the General Fund for FY1996-97 to the Nebraska Natural Resources Commission, for Program 307, to provide additional funding for the Nebraska Resources Development Fund.

There is included in this appropriation to this program for FY1995-96 $500,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $500,000 General Funds for state aid, which shall only be used for such purpose.

Sec. 3. There is hereby appropriated (1) $500,000 from the General Fund for FY1995-96 and (2) $500,000 from the General Fund for FY1996-97 to the Department of Economic Development, for Program 603, for the purpose of funding the Nebraska Benefits marketing campaign.

Sec. 4. There is hereby appropriated (1) $100,000 from the General Fund for FY1995-96 and (2) $100,000 from the General Fund for FY1996-97 to the Department of Economic Development, for Program 603, to provide funding for an international trade initiative.

Sec. 5. There is hereby appropriated (1) $2,000,000 from the State Building Fund for FY1995-96 and (2) $2,000,000 from the State Building Fund for FY1996-97 to the Department of Administrative Services, for Program 940, for the purpose of carrying out the provisions of the Deferred Building Renewal Act. All funds appropriated in this section shall be subject to the same legislative intent guidelines set forth in Legislative Bill 391, Ninety-fourth Legislature, First Session, 1995, as other funds appropriated to the Task Force for Building Renewal.

Sec. 6. There is hereby appropriated (1) $250,000 from the General Fund for FY1995-96 and (2) $500,000 from the General Fund for FY1996-97 to the Board of Regents of the University of Nebraska, for Program 781, for expenditure and distribution to the campuses for improved library holdings and operations.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 429. Placed on General File as amended.
Standing Committee amendment to LB 429:
AM1786

1. Strike the original section and insert the following new sections:

"Section 1. The Clean Air Title V Cash Fund is created. The department shall remit all fees collected pursuant to section 81-1505.04 to the State Treasurer for credit to the fund. Any fee collected pursuant to section 81-1505.04 shall be used solely to pay the reasonable direct and indirect costs required to develop and administer the air quality permit program, including expenses of the Small Business Compliance Advisory Panel. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 81-1505.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1505.01. There is hereby created the Department of Environmental Quality Cash Fund which shall be used to pay the expenses of the department. ~~and of the Small Business Compliance Advisory Panel.~~ The department shall remit all fees collected pursuant to subsection (9) of section 81-1505 ~~and sections 81-1505.04~~ and section 81-1521.09 to the State Treasurer for credit to the fund. Any fee collected pursuant to section 81-1521.09 shall be used to pay the expenses related to the notice of intent for which the fee was paid. ~~Any fee collected pursuant to section 81-1505.04 shall be used solely to pay the reasonable direct and indirect costs required to develop and administer the air quality permit program.~~ Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original section 81-1505.01, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Roger R. Wehrbein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 101. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Lynch, 13; Maurstad, 30; Schrock, 38.

WHEREAS, Daniel Henry filed an original action in the Nebraska Supreme Court challenging the constitutionality of Legislative Bill 657, Ninety-third Legislature, First Session, 1993, requesting permanent injunctive relief, and requesting an award of attorney fees and costs; and

WHEREAS, the Nebraska Supreme Court, in the case of Henry v. Rockey, 246 Neb 398 (1994), ruled that Legislative Bill 657, Ninety-third Legislature, First Session, 1993, was unconstitutional; and

WHEREAS, the Nebraska Supreme Court, in the case of Henry v. Rockey, 246 Neb 398 (1994), ruled that Mr. Henry was entitled to thirteen thousand one hundred sixty-four dollars and twenty-seven cents to apply on his attorney fees in addition to costs, having met the conditions set out in section 24-204.01, (Reissue 1989); and

WHEREAS, the Appropriations Committee of the Legislature included funding in Legislative Bill 390, Ninety-fourth Legislature, First Session, 1995, in the amount of thirteen thousand two hundred eighteen dollars from which appropriation payment is to be made to Daniel Henry for such attorney fees and costs; and

WHEREAS, section 24-204.01, (Reissue 1989), provides that no such payment shall be made until approval thereof shall have been given by the Legislature by resolution adopted by a majority vote of its members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the payment of thirteen thousand two hundred seventeen dollars and twenty-seven cents to apply on his attorney fees and costs in the case of Henry v. Rockey, 246 Neb 398 (1994), having met the conditions set out in section 24-204.01, (Reissue 1989).
2. That payment be made from thirteen thousand two hundred eighteen dollars General Funds appropriated to the Attorney General for FY1994-95, pursuant to section 24-204.01, (Reissue 1989).

Laid over.

SELECT FILE

LEGISLATIVE BILL 860. The Wickersham pending amendment, AM1858, found in this day's Journal, to the Robinson pending amendment, AM1576, was renewed.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?"

Mr. Jones moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The Wickersham amendment lost with 10 ayes, 26 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Robinson pending amendment:
AM1859

(Amendments to AM1576)

1. On page 4, line 16, strike the first "section" and insert "subsection"; and in line 17 after "such" insert "subsection and".

The Beutler amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Robinson pending amendment:
AM1861

(Amendments to AM1576)

1. On page 8, line 25, after the period insert "Money transferred to the School Technology Fund pursuant to section 81-1634 shall only be disbursed in the form of loans. Any funds received in repayment for the loans shall be credited to the School Weatherization Fund.".
2. On page 13, strike beginning with "Sections" in line 8 through the period in line 9 and show the old matter as stricken; in line 9 strike "remaining"; and strike lines 14 through 17, show the old matter as stricken, and insert "Weatherization Fund.".

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Mr. Robinson requested the roll call vote be taken in reverse order.

Voting in the affirmative, 11:

Avery	Beutler	Chambers	Coordsen	Jensen

Jones
Pirsch
Preister
Stuhr
Wesely
Wickersham

Voting in the negative, 27:

Abboud
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Elmer
Engel
Fisher
Hall
Hudkins
Janssen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Vrtiska
Warner
Wehrbein
Will
Withem

Present and not voting, 5:

Hartnett
Schimek
Schmitt
Schrock
Witek

Excused and not voting, 6:

Day
Dierks
Hillman
Landis
Robak
Schellpeper

The Beutler amendment lost with 11 ayes, 27 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Robinson pending amendment:
FA175

(Amendments to AM1576)

2. On page 13, strike beginning with "Sections" in line 8 through the period in line 9 and show the old matter as stricken; in line 9 strike "remaining"; and strike lines 14 through 17, show the old matter as stricken, and insert "Weatherization Fund.".

Messrs. Hartnett and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 309, 598, 669, 671, and 774.

LEGISLATIVE BILL 473. Placed on Select File as amended.
E & R amendment to LB 473:
AM7131

1. Strike original section 4 and all amendments thereto and insert the following new section:

"Sec. 4. Policies or contracts authorized by sections 44-4109 and 44-4110 are subject to the following requirements:

(1) A prospective insured shall be provided information about the terms and conditions of the insurance arrangement to enable him or her to make an informed decision about accepting a system of health care delivery. If the insurance arrangement is described orally to a prospective insured, the description shall use easily understood, truthful, and objective terms. All written descriptions shall be in a readable and understandable format. Specific items that shall be included are:

(a) Coverage provisions, benefits, and any exclusions by category of service, provider, or physician and, if applicable, by specific service;

(b) Any prior authorization or other review requirements, including preauthorization review, concurrent review, postservice review, and postpayment review, the manner in which an insured may obtain review of a denial of coverage, and the nature of any liability an insured may incur if the insured does not comply with the authorization requirements of the policy, contract, certificate, or other materials; and

(c) Information on the insured's financial responsibility for payment for deductibles, coinsurance, or other noncovered services;

(2) If an insurer conducts customer satisfaction surveys concerning an insurance arrangement, the results of such surveys shall be made available upon request to existing and prospective participants in insurance arrangements;

(3) The policy, contract, certificate, or other materials shall establish a mechanism by which a committee of preferred providers will be involved in reviewing and advising the insurance arrangement about medical policy, including coverage of new technology and procedures, quality and credentialing criteria, and medical management procedures;

(4) All policies or contracts shall have a system for credentialing participating preferred providers and shall allow all providers within the insurance arrangement's geographic service area to apply for such credentials periodically and not less than annually. The credentialing process:

(a) Shall begin upon application of a provider for inclusion in the policy or contract; and

(b) Shall be based solely on quality, accessibility, or economic considerations and shall be applied in accordance with reasonable business judgment.

Credentialing standards or criteria shall be made available, upon request, to providers and insureds;

(5) If the policy or contract is with an organized delivery system formed by insurers, hospitals, physicians, or allied health professionals, or a combination of such entities, participation by a provider may be limited to a participant in the organized delivery system or to providers having staff privileges at a particular health care facility;

(6) If an insurer or a participant in an insurance arrangement refuses to contract with a provider, the provider shall be permitted to appeal the adverse decision. A person conducting the provider-appeal procedure may be employed by the insurer or participant in an insurance arrangement if the person does not initially participate in the decision to take adverse action against the provider. The provider-appeal procedure shall include, but not be limited to, notice of the date and time of the hearing, a statement of the criteria or standards on which the decision was based, an opportunity for the provider to review information upon which the adverse decision was based, an opportunity for the provider to appear personally at the hearing and present any additional information, and a timely decision on the appeal;

(7) If the insurer or participant in an insurance arrangement excludes or fails to retain a provider previously contracted with to provide health care services, the provider shall be permitted to appeal the adverse decision in the same manner as set forth in subdivision (6) of this section. If the provider disagrees with the decision, the provider shall be permitted to appeal to an appeals committee consisting of one person selected by each party to the appeal and one person mutually agreeable to both parties. The parties to the appeal shall pay to the appeal committee any costs associated with the person they select and shall share the costs of the person mutually agreeable to both parties, which costs shall not be recoverable by the other party;

(8) Prior to initiation of a proceeding to terminate a provider's participation, the provider shall be given an opportunity to enter into and complete a corrective action plan, except in cases of fraud or imminent harm to patient health or when the provider's ability to provide services has been restricted by an action, including probation or any compliance agreements, by the Department of Health or other governmental agency; and

(9) Policies and contracts shall not exclude providers with practices containing a substantial number of patients having severe or expensive medical conditions, except that this section shall not prohibit plans from excluding providers who fail to meet the insurance arrangement's criteria for quality, accessibility, or economic considerations.".

2. Renumber section 1 as section 2 and section 2 as section 1.

LEGISLATIVE BILL 535. Placed on Select File.

LEGISLATIVE BILL 544. Placed on Select File as amended.
E & R amendment to LB 544:
AM7133

1. On page 3, line 11, after "coverage" insert an underscored comma.

(Signed) David I. Maurstad, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB 396, LB 451, LB 488, LB 527, and LB 589.

(Signed) Jerry Schmitt

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 27, 1995, at 11:10 a.m., were the following bills: 68, 68A, 447, 542, 718, 837, 251, 285, 346, 396, 451, 488, 527, and 589.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska State Boiler Safety Advisory Board
  Thomas J. Hix
  Glen E. Tubbs
  John J. Campbell
  Jerome Thompson

VOTE: Aye: Senators Abboud, Chambers, Schmitt, and Vrtiska. Nay: None. Absent: Senators Dierks, Preister, and Schimek.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Bernard-Stevens asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1865

(Amendments to Standing Committee amendments, AM0747)

1. Strike amendment 1 and insert the following new amendments:

"1. Strike original sections 24 to 28.

9. Renumber the remaining sections and correct internal references accordingly.".

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 860. The Beutler pending amendment, FA175, found in this day's Journal, to the Robinson pending amendment, AM1576, was renewed.

The Beutler amendment lost with 9 ayes, 14 nays, 17 present and not voting, and 9 excused and not voting.

Messrs. Jones, Bromm, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Robinson pending amendment:

FA176

(Amendments to AM1576)

1. On page 8, line 25, after the period insert "Money transferred to the School Technology Fund pursuant to section 81-1634 shall only be disbursed in the form of loans.".

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Avery	Brown	Coordsen	Jensen	Pirsch
Beutler	Chambers	Dierks	Matzke	Preister

Schimek
Schmitt
Schrock
Stuhr
Wesely
Wickersham
Witek

Voting in the negative, 18:

Abboud
Bernard-Stevens
Bohlke
Brashear
Cudaback
Fisher
Hall
Kristensen
Lynch
Maurstad
McKenzie
Pedersen
Robinson
Vrtiska
Warner
Wehrbein
Will
Withem

Present and not voting, 2:

Crosby
Elmer

Absent and not voting, 1:

Lindsay

Excused and not voting, 11:

Bromm
Day
Engel
Hartnett
Hillman
Hudkins
Janssen
Jones
Landis
Robak
Schellpeper

The Beutler amendment lost with 17 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Robinson pending amendment:
FA177

(Amendments to AM1576)

3. Notwithstanding any other provisions of law, loans repaid from the school weatherization fund shall be paid into the School Technology Fund until such payments total $4 million dollars.

Mr. Beutler asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Robinson requested a roll call vote, in reverse order, on his amendment, AM1576, as amended.

Voting in the affirmative, 36:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 3:

Coordsen
Wesely
Witek

Absent and not voting, 1:

Chambers

Excused and not voting, 9:

Abboud
Day
Hillman
Hudkins
Landis
Lynch
Pirsch
Robak
Schellpeper

The Robinson amendment, as amended, was adopted with 36 ayes, 3 nays, 1 absent and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 840. E & R amendment, AM7077, printed separately from the Journal and referred to on page 1348, was adopted.

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, FA89, found in the Journal on page 1284, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, FA89, found in the Journal on page 1284.

Messrs. Bernard-Stevens, Wickersham, and Mrs. Bohlke offered the following substitute amendment:
AM1553

(Amendments to E & R amendments, AM7077)

1. Insert the following new section:

"Sec. 10. Section 7 of this act shall not apply to any reorganized district which becomes a reorganized district after June 30, 2005.".

2. On page 8, line 26, strike "and" and insert "which become reorganized districts on or before June 30, 2005, and except as provided".

3. Renumber the remaining sections accordingly.

The Bernard-Stevens et al. amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mrs. Bohlke withdrew her amendment, AM1383, found in the Journal on page 1477.

Mrs. Bohlke renewed her pending amendment, AM1475, found in the Journal on page 1608.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 840A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 399. E & R amendment, AM7079, found in the Journal on page 1374, was adopted.

Messrs. Brashear and Hall renewed their pending amendment, AM1386, found in the Journal on page 1476.

The Brashear-Hall amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 490. E & R amendment, AM7080, printed separately from the Journal and referred to on page 1462, was adopted.

Mr. Kristensen renewed his pending amendment, AM1609, found in the Journal on page 1644.

MR. WESELY PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Read. Considered.

LEGISLATIVE RESOLUTION 98. Read. Considered.

LEGISLATIVE RESOLUTION 100. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 96, 98, and 100 were adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 99. Read. Considered.

LR 99 was adopted with 29 ayes, 0 nays, and 20 not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Maurstad and Coordsen asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1866

(Amendments to Standing Committee amendments, AM0885)

1. On page 5, after line 14 insert the following new subsection:

"(6) Any governing body that chooses not to increase its anticipated aggregate receipts from property taxes to its authorized level for the current fiscal year, may carry forward unused authority to the next fiscal year. In such case, the Auditor of Public Accounts shall calculate the amount of unused anticipated aggregate receipts from property taxes which shall be carried forward to future fiscal years so a governing body may increase its anticipated aggregate receipts from property taxes in future fiscal years by the amount of such total unused anticipated aggregate receipts from property taxes in addition to the amount allowable for the specific fiscal year.".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM1845

(Amendments to E & R amendments, AM7121)

1. Insert the following new sections:

"Sec. 6. Section 79-3349, Reissue Revised Statutes of Nebraska, is amended to read:

79-3349. A parent, guardian, competent student of age of majority, or school district may initiate a hearing on matters related to the initiation, change, or termination or the refusal to initiate, change, or terminate the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education or records relating thereto. A copy of the procedures specified in rules and regulations of the State Department of Education for complaints and hearings under this section shall be provided by school districts to all parents and guardians of handicapped children who are receiving services on September 6, 1985, and, thereafter, to all parents and guardians of handicapped children upon initial consideration of the provision of services for their handicapped children. Such hearing shall be initiated by filing a petition with the State Department of Education. A parent, guardian, or competent student of the age of majority shall not be entitled to reimbursement for any expenses incurred more than sixty days prior to the filing of the petition.

Any other claim arising under the Special Education Act or the federal Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 et seq., shall be forever barred unless a petition alleging such matter is filed with the State Department of Education within one year after the alleged act or omission occurred.

Sec. 9. In a lawsuit filed on or after January 1, 1996, against any school district or board of education on any claim arising from a provision of the Special Education Act, the State of Nebraska shall be named a party defendant upon a motion filed by any party.

Sec. 10. In a lawsuit filed on or after January 1, 1996, alleging any claim arising from a provision of the Special Education Act, one-half the amount of all damages, attorney fees, fines, and expenses paid by or on behalf of a school district or board of education shall be treated as allowable excess special education costs and shall be reimbursed by the state under the provisions of the act.".

2. On page 1, line 23, strike "shall" and insert "should as a goal".

3. On page 2, line 1, strike "Services" and insert "Educational services".

4. On page 13, line 17, after the third comma insert "79-3349,".

5. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Doris Huffman and Elizabeth Grayer from Lincoln; Precious Perkins from Lincoln; Ashley Horne from Lincoln; Erin and Morgan Hallstrom from Syracuse and Laura Sedlacek from Lincoln; Breanna Wolfe, Jennifer Ryan, and Kerry Smith from Lincoln; Senator Bernard-Stevens' goddaughter, Beth Bunde, and Marge Bunde; 34 fourth grade students and sponsor from Raymond Central, Valparaiso; 60 fifth grade students, teacher, and sponsor from Sacred Heart School, Norfolk; 110 fifth grade students and teacher from Meadow Lane Elementary, Lincoln; 50 fourth grade students, teachers, and sponsor from Lincoln Elementary and Edison Elementary, York; Mary Bauerle from Lincoln; Linda, Mathew, and Christen Peterson from Omaha and Matilda Wadenback from Sweden; Alex Kissel from Lincoln; ten fifth and sixth grade students and teachers from Sacred School, Greeley; 20 ninth grade students and teacher from Friend; 60 fourth grade students and teacher from Parkview Heights Elementary, LaVista; 30 sixth grade students and teacher from Ponca; 34 eighth grade students and teacher from Axtell; 16 fourth grade students and teacher from Waterloo; 26 seventh and eighth grade students and sponsor from Elba; and 34 fourth grade students and teacher from Blessed Sacrament School, Lincoln.

The Doctor of the Day was Michelle Manning from Lincoln.

ADJOURNMENT

At 2:36 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, May 2, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FIRST DAY - MAY 2, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor William Dressen, Faith Lutheran Church, Talmage, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Preister who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Chambers, Coordsen, Hall, Hartnett, Kristensen, Lindsay, Robinson, Schmitt, Warner, Wickersham, Will, Mmes. Brown, McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 95034

DATE:	April 26, 1995
SUBJECT:	Whether LB 609 Violates Article XIII, § 3 of the Nebraska Constitution
REQUESTED BY:	Senator Don Wesely Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

Lynn A. Melson, Assistant Attorney General

You have requested our opinion regarding the constitutionality of proposed legislation which would establish a category of airports called privately-owned public use airports. LB 609 would also authorize the Department of Aeronautics to assist in the acquisition, development, operation, and maintenance of airports, including privately-owned public use airports, out of appropriations made by the Legislature as well as federal and other monies.

Your specific question is whether the provisions of LB 609 would violate Article XIII, § 3 of the Nebraska Constitution which prohibits extending the credit of the state to any private individual, association, or corporation. Closely related to the prohibition against the giving or lending of the state's credit, but not part of Article XIII, § 3, is the principle of law that public funds cannot be expended for private purposes. Our conclusion is that the use of state funds in the acquisition, development, operation, or maintenance of privately-owned public use airports would not violate the constitutional prohibition against lending the credit of the state, but may be challenged as an expenditure of state funds for private purposes. Nonstate funds, including various federal grants which the state receives for specific purposes, would not be subject to the restrictions of Article XIII, § 3. We note that LB 609 concerns the expenditure of both state and nonstate funds.

I. Review of Current Statutes and LB 609

We will first review the statutes which would be affected by LB 609 and the amendments which are proposed. As you point out in your letter, LB 609 would create a new category of airports called "privately-owned public use airports." These are defined at LB 609, § 1, as those airports "owned by a person which is primarily engaged in the business of providing necessary services and facilities for the operation of civil aircraft and which (a) has at least one paved runway, (b) is engaged in the retail sale of aviation gasoline or aviation jet fuel, and (c) possesses facilities for the sheltering, servicing, or repair of aircraft." The term "civil aircraft" is currently defined as "any aircraft other than a public aircraft" while "public aircraft" is an aircraft used exclusively by a government or political subdivision. Neb. Rev. Stat. § 3-101(4) and (5) (Cum. Supp. 1994).

Neb. Rev. Stat. § 3-113 (1991) currently authorizes the Department of Aeronautics to offer engineering and other technical services, without charge, to any municipality in connection with the construction, maintenance, or operation of an airport. LB 609 would amend this provision so as to authorize the Department to also offer such services to any person owning a private-owned public use airport. Neb. Rev. Stat. § 3-119 (1991) provides that the Department "may render assistance in the acquisition, development, operation, or maintenance of airports" owned or operated by municipalities, out of appropriations made by the Legislature for that purpose. LB 609 proposes to also authorize the Department to render assistance out of legislative appropriations with regard to privately-owned public use airports.

The proposed amendments to Neb. Rev. Stat. §§ 3-124 and 3-125 would authorize the Department to accept federal and other money, subject to federal statutes and regulations, for and on behalf of any person owning a privately-owned public use airport as well as on behalf of the state or any municipality, for the acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities. The Department would be authorized to act as the agent of a private owner in accepting such money and in contracting for the acquisition, construction, improvement, maintenance, or operation of airports financed either in whole or in part by federal money. Further, Neb. Rev. Stat. § 3-126 would be amended to provide that all money received by the Department pursuant to Neb. Rev. Stat. §§ 3-101 to 3-156 shall be remitted to the State Treasurer for credit to the Department of Aeronautics Cash Fund, to be disbursed by the Department whether acting for the state or as the agent of a municipality or private owner.

Finally, Neb. Rev. Stat. § 3-147, as amended, would read as follows:

> The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of any airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation of airports and other air navigation facilities, whether by the state separately or jointly with any municipality, municipalities, or any person owning a privately-owned public use airport; the assistance of the state in any such acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation; and the exercise of any other powers herein granted to the department or hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. Such lands and other property and privileges acquired and used by the state in the manner and for the purposes enumerated in the State Aeronautics Department Act shall be and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

II. Article XIII, § 3 of the Nebraska Constitution

The Nebraska Constitution prohibits the unlawful pledge of the credit of the state: "The credit of the State shall never be given or loaned in aid of any individual, association, or corporation. . . ." Neb. Const. Art. XIII, § 3. You ask whether the proposed amendments set forth in LB 609 violate this constitutional provision. The case of Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991), is a recent Nebraska Supreme Court decision which interprets Article XIII, § 3 of the Nebraska Constitution. At issue in Haman was legislation which appropriated state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska. The Nebraska Supreme Court set out a three-prong test, and stated that to establish a law was unconstitutional under Article XIII, § 3, a plaintiff had to prove each of the following elements: (1) The credit of the state (2) was given or loaned; (3) in aid of any individual, association, or corporation. Haman, 237 Neb. at 719.

"Closely related to the prohibition against the giving or lending of the state's credit . . . is the principle of law that public funds cannot be expended for private purposes." Haman, 237 Neb. at 721-722. While this "public purpose" doctrine is not part of Article XIII, § 3 of the Nebraska Constitution and not strictly part of your inquiry, we will analyze LB 609 under both Article XIII, § 3 and the "public purpose" doctrine.

We first note that LB 609 and the statutes which it amends concern the expenditure of both state and nonstate funds. Our office has previously discussed the distinction between state and nonstate funds and the applicability of Article XIII, § 3 to such funds in Op. Att'y Gen. Nos. 87001 and 87114. These particular opinions dealt with the receipt and use of monies received as a result of court awards in various energy overcharge cases. We found that state funds are those monies which are generated by state fees or state taxes whereas nonstate funds are those which the state receives from outside sources. We gave as an example of nonstate funds the various federal grants which the state receives for specific purposes or to carry out the goals of certain designated federal programs. We further noted that the weight of authority from other jurisdictions indicates that the fact that the monies are deposited within a state treasury does not in itself make them state funds, citing Application of State ex rel. Department of Transportation, 646 P.2d 605 (Okla. 1982) and MacManus v. Love, 499 P.2d 609 (Colo. 1972). A legislative appropriation would be necessary for the expenditure or granting of those federal monies deposited in the state treasury. However, the federal funds or custodial funds which the state holds are not subject to the restrictions contained in Article XIII, § 3.

It is our opinion that if the Department of Aeronautics receives federal money on behalf of the state, a municipality, or the owner of a privately-owned public use airport, for the acquisition, construction, improvement, maintenance, and operation of airports, the expenditure of such federal funds would generally not be restricted by Article XIII, § 3. However, we point out that the receipt and expenditure of such federal funds would be governed by any terms and conditions imposed by federal statutes, rules, and regulations. To the extent that the state was placed in the position of a surety or guarantor of the debt of another as a term or condition of a federal grant program, we believe that the receipt and expenditure of such federal funds under those conditions would indeed violate Article XIII, § 3 as further explained below.

LB 609 also authorizes the use of state funds to assist privately-owned public use airports. To determine whether this expenditure of state funds would violate Article XIII, § 3, we return to the three-prong test set forth in Haman v. Marsh. The threshold question which must be analyzed is whether the proposed amendments to LB 609 involve the "credit of the state." In Haman, the court stated as follows: "There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds, it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." Id. at 719-720. In Haman, the court found that under the legislation in question, "the state would be forever liable for the losses of industrial company depositors. . . ." Id. at 720. "The stated purpose of the act is redemption of the guarantees of a private corporation to depositors by obligating present and future taxes from the state's general fund." Id.

You state in your opinion request that the Department of Aeronautics has established a revolving loan program. We note that Neb. Rev. Stat. §§ 3-101 through 3-158 do not refer to a specific loan program, but pertain generally to the receipt and expenditure of state and federal funds for the acquisition, construction, maintenance, and operation of airport facilities, which language appears broad enough to include gifts and grants. To the extent that LB 609 provides that the Department may give or loan state funds to persons owning privately-owned public use airports, it does not appear to us that such provisions result in the state being either a surety or guarantor of another's debts. Therefore, we conclude that LB 609 does not violate Article XIII, § 3. As stated above, the exception would be any state or federal requirement that would require the state to guarantee the debt of the private owner.

Although the "credit of the state" is not being given or loaned under the aeronautic statutes as amended by LB 609, the constitutional analysis does not end there. "Closely related to the prohibition against the giving or lending of the state's credit . . . is the principle of law that public funds cannot be expended for private purposes." Haman v. Marsh, 237 Neb. 699 at 721-722. This constitutional principle involves the expenditure of state funds in contrast to the extension of credit. While the State Constitution contains no express provision against expending funds for essentially private purposes, the Nebraska Supreme Court has stated that this principle "is grounded on the 'fundamental concepts of our constitutional system.'" State ex rel. Douglas v. Thone, 204 Neb. 836, 842, 286 N.W.2d 249 (1979) (quoting Beck v. City of York, 164 Neb. 223).

There is no hard and fast rule for determining whether a proposed expenditure of public funds is for a public purpose. In Platte Valley Public Power & Irrigation District v. County of Lincoln, 144 Neb. 584, 14 N.W.2d 202 (1944), the Nebraska Supreme Court discussed the parameters of a "public purpose." "A public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants." Id. at 589.

Since the determination of a public purpose is primarily for the Legislature, it is appropriate to look to the legislative findings or statement of purpose in analyzing a particular statute. The purposes of

Neb. Rev. Stat. §§ 3-101 to 3-154 are described at Neb. Rev. Stat. § 3-102 (1991). Those purposes include granting powers to the Department of Aeronautics so that the state "may assist in the promotion of a statewide system of airports, may cooperate with and assist the political subdivisions of the state and others engaged in aeronautics, and may encourage and develop aeronautics. . . ." Neb. Rev. Stat. § 3-102(3). LB 609 would amend Neb. Rev. Stat. § 3-147 to read that the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation of airports, whether by the state separately or jointly with a municipality or any person owning a privately-owned public use airport and the assistance of the state in accomplishing those functions are declared to be public and governmental functions, exercised for a public purpose.

The Nebraska Supreme Court has held that it is for the Legislature to determine in the first instance what is and what is not a public purpose. State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979). The Court also held therein that there is no requirement that a legislative act calling for the expenditure of public funds need contain an express declaration of public purpose. Id. at 844-845. A number of cases from our Supreme Court have evidenced a somewhat flexible interpretation of the public purpose doctrine in relation to the expenditure of state monies. For example, with regard to housing, the Court found constitutional the act creating the Housing Authority of the City of Omaha in Lennox v. Housing Authority of City of Omaha, 137 Neb. 582, 290 N.W. 451 (1940), and found constitutional the act creating the Nebraska Mortgage Finance Fund in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). The Court considered legislative findings such as the need for safe and sanitary housing and the need for adequate housing which could be financed by low income people in determining the existence of a public purpose.

However, the Nebraska Supreme Court has also held that laws which authorize the expenditure of state funds to encourage private enterprises do not serve a public interest. A statute offering compensation or a bounty to private companies to encourage the manufacture of sugar and chicory was found unconstitutional in Oxnard Beet Sugar Co. v. State, 73 Neb. 57 (1905). The Court based its decision on the lack of a public purpose and did not undertake a "lending the credit of the state" analysis.

In Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976), the Court found that the provisions of the statute authorizing expenditures for the purpose of acquiring real estate or options on real estate for industrial development were unconstitutional and in violation of Article XIII, § 3 of the Nebraska Constitution. Their holding was in part dependent upon another constitutional provision at Article XIII, § 2.

More recently, in discussing the purpose of Article XIII, § 3, the Nebraska Supreme Court has referred to the historical genesis of this provision and similar provisions found in most other state constitutions.

Haman v. Marsh, 237 Neb. at 718, citing City of Tempe v. Pilot Properties, Inc., 22 Ariz. App. 356, 527 P.2d 515 (1974). Such provisions are therein described as representing public reaction during the 19th century to the dissipation of public funds in aid of the construction of railways and canals. They were designed to prevent the use of public funds for enterprises actually engaged in private business.

Conclusion

It is our opinion that LB 609 does not violate Article XIII, § 3 of the Nebraska Constitution. A strong argument can be made that nonstate funds are not subject to the restrictions of Article XIII, § 3. As to state funds, it does not appear that LB 609 requires the giving or lending of the state's credit to private parties. Instead, it would allow the loan or grant of state funds.

We do note that LB 609 might be challenged under the "public purpose" doctrine as allowing a private entity to use state funds or property for a direct benefit to private industry with only a remote or indirect benefit to the public. Although Neb. Rev. Stat. § 3-147, as amended, makes a general statement as to public purpose, the direct benefit to the public is not apparent. We also point out, as previously discussed, that the Nebraska Supreme Court has held that what constitutes a public purpose is primarily for the Legislature to determine, and all doubts are generally resolved in favor of the Legislature.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

May 1, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Liquor Control Commission.

APPOINTEE: William R. Skarda, 4341 Monroe, Omaha, NE 68107

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 1, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Board of Parole.

APPOINTEE: James A. Pearson, 5217 South 62nd Street, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 1, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Environmental Trust Board.

APPOINTEES:
Curt G. Werner, 14507 Frontier Road, Omaha, NE 68135
Vincent J. Kramper, 498 190th, Dakota City, NE 68731
Bradley J. Hansen, P.O. Box 173, Hemingford, NE 69343

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 394 in the Journal. No objections. So ordered.

AM1841
(Amendments to Standing Committee amendments, AM1757)

1. Insert the following new sections:

"Sec. 6. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	683,182	684,355
PROGRAM TOTAL	683,182	684,355
SALARY LIMIT	617,106	617,106

Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	562,762	563,766
PROGRAM TOTAL	562,762	563,766
SALARY LIMIT	502,500	502,500

Sec. 8. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,986,592	4,995,800
PROGRAM TOTAL	4,986,592	4,995,800
SALARY LIMIT	4,485,003	4,485,003

Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,820,900	4,830,442
PROGRAM TOTAL	4,820,900	4,830,442
SALARY LIMIT	4,271,239	4,271,239

Sec. 10. If section 24-201.01 is amended by the Ninety-fourth Legislature, First Session, 1995, to authorize the salary of the Chief Justice and the judges of the Supreme Court to be adjusted as determined by appropriation or as otherwise provided by law:

(1)(a) On July 1, 1995, the salary of the Chief Justice and judges of the Supreme Court shall be $91,683.59.

(b) On July 1, 1996, the salary of the Chief Justice and judges of the Supreme Court shall be $94,892.52;

(2)(a) For FY1995-96 the General Fund appropriation to Agency 5, Program No. 3, shall be increased by $25,093 and the SALARY LIMIT shall be increased by $24,685.

(b) For FY1996-97 the General Fund appropriation to Agency 5, Program No. 3, shall be increased by $47,926 and the SALARY LIMIT shall be increased by $47,148;

(3)(a) For FY1995-96 the General Fund appropriation to Agency 5, Program No. 4, shall be increased by $20,431 and the SALARY LIMIT shall be increased by $20,100.

(b) For FY1996-97 the General Fund appropriation to Agency 5, Program No. 4, shall be increased by $39,025 and the SALARY LIMIT shall be increased by $38,391;

(4)(a) For FY1995-96 the General Fund appropriation to Agency 5, Program No. 6, shall be increased by $182,389 and the SALARY LIMIT shall be increased by $179,428.

(b) For FY1996-97 the General Fund appropriation to Agency 5, Program No. 6, shall be increased by $348,337 and the SALARY LIMIT shall be increased by $342,683;

(5)(a) For FY1995-96 the General Fund appropriation to Agency 5, Program No. 7, shall be increased by $173,667 and the SALARY LIMIT shall be increased by $170,848.

(b) For FY1996-97 the General Fund appropriation to Agency 5, Program No. 7, shall be increased by $331,706 and the SALARY LIMIT shall be increased by $326,321; and

(6)(a) For FY1995-96 the Cash Fund appropriation to Agency 37, Program No. 526, shall be increased by $21,289 and the SALARY LIMIT shall be increased by $20,982.

(b) For FY1996-97 the Cash Fund appropriation to Agency 37, Program No. 526, shall be increased by $43,850 and the SALARY LIMIT shall be increased by $40,075.".

2. On page 1, line 1, strike "section 9" and insert "sections 6 to 11"; in lines 6 and 7 strike "610,536 633,097" and insert "589,247 589,247"; and in line 8 strike "545,522 564,615" and insert "524,540 524,540".

3. Renumber the remaining sections accordingly.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 96, 98, 99, and 100.

GENERAL FILE

LEGISLATIVE BILL 592. The Lindsay pending amendment, AM1608, on file in the Clerk's Office and referred to in the Journal on page 1815 and considered on page 1818, to the pending Standing Committee amendment, was passed over.

Ms. Day offered the following amendment to the Standing Committee amendment:
AM1877

(Amendments to Standing Committee amendments, AM1026)

1. Insert the following new section:

"Sec. 21. If a motor vehicle operator's license or a professional or occupational license is found to have been revoked or suspended erroneously, the license holder shall have his or her license reinstated or renewed and any reinstatement or renewal fee that was incurred because of the error shall be returned to the license holder by the relevant licensing authority.".

2. Renumber the remaining sections and correct internal references accordingly.

The Day amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Ms. Day moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA178

Amend AM1453

1. P. 1 Strike lines 3-23, & p. 2 lines 1-4.

2. Page 8 starting with line 14, Strike through line 17 on page 11 (sections 37-43)

Messrs. Landis and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Lindsay withdrew his amendment, AM1608, on file in the Clerk's Office and referred to in the Journal on page 1815 and considered on page 1818.

SPEAKER WITHEM PRESIDING

Mr. Chambers offered the following amendment:
FA179

Amend AM1877

(Amendments to Standing Committee amendments, AM1026)

1. Insert the following new section:

"Sec. 21. If a motor vehicle operator's license or a professional or occupational license is found to have been revoked or suspended erroneously, the license holder shall have his or her license reinstated or renewed without the payment of any reinstatement or renewal fee, but if a fee was paid because of the error such fee shall be returned to the license holder by the relevant licensing authority.".

2. Renumber the remaining sections and correct internal references accordingly.

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Lindsay offered the following amendment:
AM1900

(Amendments to Standing Committee amendments, AM1026)

1. Insert the following new section:

"Sec. 24. Except as provided in section 21 of this act, the director, county attorney, or authorized attorney who provides certification pursuant to section 17 of this act, and not the relevant licensing authority, shall be liable for any other loss or damage resulting from a revocation of any license under the act if no delinquency exists.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a record vote on the Lindsay amendment.

Voting in the affirmative, 16:

Bernard-Stevens
Brashear
Chambers
Coordsen
Crosby
Dierks
Engel
Hartnett
Kristensen
Lindsay
Lynch
Pedersen
Schellpeper
Wesely
Will
Withem

Voting in the negative, 22:

Beutler
Bohlke
Bromm
Brown
Cudaback
Day
Elmer
Fisher
Hillman
Hudkins
Janssen
Jensen
Matzke
Maurstad
Pirsch
Robinson
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wickersham

Present and not voting, 5:

Jones
McKenzie
Schrock
Wehrbein
Witek

Excused and not voting, 6:

Abboud
Avery
Hall
Landis
Preister
Robak

The Lindsay amendment lost with 16 ayes, 22 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Bohlke
Brashear
Brown
Cudaback
Day
Elmer
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
McKenzie
Pirsch
Robinson
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 13:

Bernard-Stevens
Chambers
Coordsen
Crosby
Dierks
Kristensen
Lindsay
Maurstad
Pedersen
Schellpeper
Will
Witek
Withem

Present and not voting, 3:

Bromm
Hartnett
Vrtiska

Excused and not voting, 6:

Abboud
Avery
Hall
Landis
Preister
Robak

Advanced to E & R for review with 27 ayes, 13 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 592A. Title read. Considered.

Mr. Chambers offered the following amendment:
FA180
Add $500,000 for the sole purpose of hiring consultants to tell the Dept. of Social Services how to administer LB 592

Messrs. Fisher, Dierks, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers
Hall

Voting in the negative, 33:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Present and not voting, 7:

Crosby
Cudaback
Jones
Lindsay
Lynch
Schellpeper
Schmitt

Excused and not voting, 7:

Abboud
Avery
Dierks
Elmer
Fisher
Preister
Robak

The Chambers amendment lost with 2 ayes, 33 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

AM1903

1. Strike the original sections and all amendments thereto and insert:

"WHEREAS, the Legislature recognizes the requirement of state agencies to adopt new or repeal existing rules and regulations pursuant to statutory changes; and

WHEREAS, the Legislature recognizes that rules and regulations may result in unintended consequences; and

WHEREAS, some of these consequences may impact on the use of an individual's property and may result in a diminished value of that property; and

WHEREAS, such an impact on property or diminution of value may result in undue hardship to the property owner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That state departments and agencies should review the repealing or drafting of rules and regulations in a manner which is sensitive to the taking of an individual's property.

2. That when drafting or repealing rules and regulations a state department or agency shall note if its actions could possibly be a taking of property and a description of the affected property.

3. That a copy of this resolution be transmitted by the Clerk of the Legislature to the Governor with a request that he distribute it to every state department and agency.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 530. Placed on Select File as amended.
E & R amendment to LB 530:
AM7138

1. In the Standing Committee amendments, AM1400:

a. On page 5, line 24, after "security" insert an underscored comma;

b. On page 11, line 22, after the comma insert "the Building Renewal Allocation Fund,";

c. On page 17, strike lines 9 through 27 and all amendments thereto and insert

"Sec. 11. (1)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division pursuant to sections 81-1108.15 and 81-1114. Such review shall include any potential matching of state funds or maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division shall submit a report to the Governor and the Legislative Fiscal Analyst outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

(2) For purposes of this section, gift, bequest, or devise shall include, but not be limited to, a donation, gift, bequest, devise, or grant from an individual, an organization, a corporation, a foundation, or a similar entity or from a";

d. On page 18, line 8, strike "a period of four" and insert "periods of four years"; in line 20 strike "committee" and insert "State Comprehensive Capital Facilities Planning Committee"; and in line 26 after "comprehensive" insert "capital"; and

e. On page 20, line 5, strike "department", show as stricken, and insert "departmental".

2. On page 1, strike beginning with the third comma in line 2 through line 12 and insert "to 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.41, 81-1108.43, 81-1108.54, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised Statutes Supplement, 1994; to change provisions relating to performance bonds; to provide for development and use of a state comprehensive capital facilities plan; to provide for a committee; to change provisions relating to capital construction; to change provisions relating to the state building division of the Department of Administrative Services and fees charged for services provided by the division; to provide for review of gifts, bequests, or devises; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 99. Placed on Select File as amended.
E & R amendment to LB 99:
AM7135

1. On page 1, strike beginning with "46-261" in line 2 through "and" in line 4 and insert "46-231, 46-290, 46-541, and 46-1008, Reissue Revised Statutes of Nebraska, sections 46-112 and 46-530, Revised Statutes Supplement, 1994, and section 46-261, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 94, Ninety-fourth Legislature, First Session, 1995; to provide that certain districts and canal"; and in line 7 after the first semicolon insert "to provide for notices and hearings; to change provisions relating to registered voters in irrigation districts and reclamation districts;".

LEGISLATIVE BILL 531. Placed on Select File as amended.
E & R amendment to LB 531:
AM7136

1. On page 1, lines 2 and 3, strike "eliminate" through "in" and insert "change provisions relating to copayments for and coverage of long-term maintenance drugs under"; in line 3 strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 629. Placed on Select File as amended.

E & R amendment to LB 629:
AM7137

1. In the McKenzie amendment, AM1763, on page 1, line 19 after the first "or" insert "in".

2. On page 1, strike beginning with "require" in line 1 through line 5 and insert "provide duties for municipalities which intend to provide or expand solid waste collection services into areas served by private entities.".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 592A. Considered.

Advanced to E & R for review with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were eight students, teacher, and sponsors from Lake Minatare School; and 24 fourth grade students and sponsor from St. Joseph's School, York.

RECESS

At 12:09 p.m., on a motion by Ms. Day, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Preister who were excused; and Mmes. Bohlke, Brown, Crosby, Hillman, Ms. Day, Messrs. Chambers, Elmer, Engel, Landis, Lindsay, and Robinson who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 106. The Hall pending amendment, FA173, found in the Journal on page 1859, was renewed.

Messrs. Wehrbein and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall withdrew his amendment.

Mr. Beutler moved to indefinitely postpone LB 106.

MRS. CROSBY PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Beutler requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Abboud
Bernard-Stevens
Beutler
Brown
Chambers
Hall
Landis
Lindsay
Pedersen
Schimek
Wesely
Will
Withem

Voting in the negative, 27:

Bohlke
Brashear
Bromm
Coordsen
Cudaback
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 6:

Avery
Crosby
Day
Hillman
Jensen
Wehrbein

Excused and not voting, 3:

Hartnett
Lynch
Preister

The Beutler motion to indefinitely postpone lost with 13 ayes, 27 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Kristensen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Chambers offered the following amendment:
FA181

P. 2, line 15, strike "shall include" and insert "means" and on line 16, after "injury" strike the period and insert "to animals."

Mrs. Stuhr and Mr. Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Hall
Lindsay
Maurstad
Wesely
Will

Voting in the negative, 25:

Abboud
Bohlke
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jones
Matzke
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 7:

Avery
Day
Hillman
Jensen
McKenzie
Pedersen
Schimek

Excused and not voting, 7:

Bromm
Hartnett
Kristensen
Landis
Lynch
Preister
Stuhr

The Chambers amendment lost with 10 ayes, 25 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to reconsider the Chambers amendment to LB 106.

Mmes. Pirsch, Hillman, Messrs. Abboud, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his motion to reconsider.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 118, 120, 193, 199, 265, 291, 356, 397, 499, 699, 739, and 805.

Enrollment and Review Change to LB 265

The following changes, required to be reported for publication in the Journal, have been made:
ER9064
1. In the Withem amendment, AM1856, section 3 has been renumbered as section 8.
2. On page 1, the matter beginning with "administrative" in line 1 through line 4 has been struck and "government; to amend section 81-1120.34, Reissue Revised Statutes of Nebraska; to state intent; to create the Nebraska Highway-Rail Crossing Safety Committee; to provide duties; to provide a termination date; to limit the use of certain information; to change the duties of the Commission on Information Technology; to repeal the original section; and to declare an emergency." inserted.

Enrollment and Review Change to LB 499

The following changes, required to be reported for publication in the Journal, have been made:
ER9066
1. On page 1, line 3, ", and section 77-3517, Revised Statutes Supplement, 1994, as amended by section 5, Legislative Bill 133, Ninety-fourth Legislature, First Session, 1995; to change application and approval provisions for homestead exemptions; to change and provide powers and duties for county assessors and the Tax Commissioner" has been inserted after "1994".

Enrollment and Review Change to LB 699

The following changes, required to be reported for publication in the Journal, have been made:
ER9065
1. On page 1, line 2, "and 48-508" has been struck and ", 48-508, and 48-523" inserted; and in line 3 "to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 739

The following changes, required to be reported for publication in the Journal, have been made:
ER9063

1. In the Witek amendment, AM1851, on page 1, line 5, "in care" has been inserted after "child".
2. On page 2, line 11, "interest" has been struck and "interests" inserted.
3. On page 3, line 9, "in care" has been struck and an underscored comma inserted.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1916

(Amendments to Standing Committee amendments, AM0885)

1. Strike section 4.
2. On page 6, line 25, strike beginning with "sections" through "79-3816" and insert "section 79-3814".
3. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens and Ms. Day asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM1873

1. On page 2, line 3, after "(1)" insert "An executive department of state government to be known as the Department on Foster Care Review and a board to be known as the State Foster Care Review Board are created."; and strike beginning with "state" in line 27 through "it" in line 28, show as stricken, and insert "department shall provide such services as are necessary to aid the state board".
2. On page 3, line 1, after "duties" insert "under the Foster Care Review Act".
3. On page 3, lines 20, 22, 24, and 25; and page 4, line 1, strike "department" and insert "Department of Social Services".
4. On page 4, line 6, strike "department's" and after "caseworkers" insert "of the Department of Social Services".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1906

PURPOSE:

AM1754 to LB 392 assumes increases in tuition rates for the State College System at 4 percent for FY1995-96 and an additional 4 percent for FY1996-97. The resulting additional cash fund revenue estimated to be generated is utilized to reduce the level of General Funds required to support total funding recommendations for the system. This amendment would eliminate the assumption of the second year tuition rate increase. An assumed tuition rate increase of 4 percent for FY1995-96 would remain within the Appropriations Committee recommendation; however, no additional increase would be assumed for FY1996-97. The effect of this amendment would be to increase General Funds for the State College System by $424,795 for FY1996-97 and eliminate reliance upon increased cash funds estimated to be generated by a second year tuition rate increase.

AM1754 appropriates $325,000 General Funds for each of FY1995-96 and FY1996-97 to the University of Nebraska and an equivalent amount of General Funds each year to the Department of Economic Development to support EPSCoR research initiatives over the biennium. This amendment reduces the annual General Fund appropriations for EPSCoR to each agency by $162,500.

1. In the Standing Committee amendments, AM1754:

a. On page 82, line 17, strike "25,489,219" and insert "25,914,014"; in line 18 strike "13,195,350" and insert "12,711,251"; and in line 21 strike "51,343,472" and insert "51,284,168"; and

b. On page 85, line 3, strike "$1,541,863" and insert "$1,482,559".

2. In the Standing Committee amendments, AM1754:

a. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "310,146,070 314,748,762";

b. On page 86, line 1, strike each occurrence of "11,965,000" and insert "11,802,500"; in line 7 strike "$325,000 of the $11,965,000 in FY1995-96 and $325,000" and insert "$162,500 of the $11,802,500 in FY1995-96 and $162,500"; in line 8 strike "$11,965,000" and insert "$11,802,500"; in lines 13 and 14 strike "$325,000" and insert "$162,500"; in line 18 strike "$162,500" and insert "$81,250"; in line 19 strike "$812,500" and insert "$406,250"; and in line 20 strike "$325,000" and insert "$162,500"; and

c. On page 88, lines 1 and 3, strike "$11,965,000" and insert "$11,802,500".

3. In the Standing Committee amendments, AM1754:

a. On page 120, line 26, strike "2,502,124 2,514,156" and insert "2,339,624 2,351,656"; and

b. On page 121, line 2, strike "9,904,608 9,733,157" and insert "9,742,108 9,570,657"; in line 11 strike each occurrence of "$325,000" and insert "$162,500"; in lines 16 and 17 strike "$325,000" and insert "$162,500"; in line 19 strike "162,500" and insert "81,250"; in line 20 strike "812,500" and insert "406,250"; and in line 22 strike "$325,000" and insert "$162,500".

Mr. Bernard-Stevens and Ms. Day asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM1910

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature that the Department of Social Services and the State Foster Care Review Board shall conduct joint reviews of a statistically valid sample of the children in the department's custody who are placed out of their homes. The State Foster Care Review Board will also review a sample of the cases of children in out-of-home placements and in the custody of other public or private agencies, with an emphasis on children in correctional facilities. It is also the intention of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

Sec. 2. In order to facilitate the joint review process required in section 1 of this act, the Director of Social Services or his or her designee and the director of the State Foster Care Review Board or his or her designee shall mutually agree on the following:

(1) The establishment of at least two areas, including at least one urban and one rural area of the state, to serve as pilot sites for joint reviews;

(2) The factors to be considered in the selection of a statistically valid random sample for selecting cases for review, including, but not limited to, age and geographical representation;

(3) The representatives from each agency who will sit on the joint review committee; and

(4) The logistics of conducting joint reviews, including, but not limited to, where the reviews will be held, who will write the final report produced by the joint review committee, and the format for the report.

Sec. 3. The joint review process shall include the following:

(1) Preservation of the State Foster Care Review Board case tracking system;

(2) A review reporting form which allows for dissenting views for cases in which agreement cannot be reached; and

(3) Meaningful citizen representation in the joint review process.

Sec. 4. The Department of Social Services and the State

Foster Care Review Board will be allowed to bring special request cases for joint review in addition to the cases in the sample. The joint review committee at each pilot site will evaluate the need for a limit on special requests in order to preserve the intention that a sample, rather than all cases, will be reviewed by the joint review committee.

Sec. 5. Case managers from the Department of Social Services shall be allowed to participate in case reviews conducted by the State Foster Care Review Board.

Sec. 6. Upon the full implementation of the joint review process pursuant to sections 1 to 5 of this act, the permanency plan unit within the Department of Social Services shall be disbanded.

Sec. 7. Section 43-1308, Reissue Revised Statutes of Nebraska, is amended to read:

43-1308. (1) Except as otherwise provided in the Nebraska Indian Child Welfare Act, the state board or designated local board shall:

(a) Review at least once every six months the ~~case of each child~~ selected cases of children in ~~a~~ foster care ~~placement~~ placements to determine what efforts have been made to carry out the plan for rehabilitation of the foster child and family unit or for permanent placement of such child pursuant to section 43-1312. The cases shall be selected pursuant to sections 1 to 5 of this act;

(b) Submit to the court having jurisdiction over such child for the purposes of foster care placement, within thirty days after the review, its findings and recommendations regarding the efforts and progress made to carry out the plan established pursuant to section 43-1312 together with any other recommendations it chooses to make regarding the child. The findings and recommendations shall include whether there is a need for continued out-of-home placement, whether the current placement is appropriate, the specific reasons for the findings and recommendations, including factors, opinions, and rationale considered in its review, and the date of the next review by the state board or designated local board;

(c) If the return of the child to his or her parents is not likely or reasonable grounds exist that indicate adoption is not likely, encourage the placement of the child in the most family-like long-term foster care situation possible considering the needs of the child in question; and

(d) Promote and encourage stability and continuity in foster care by discouraging unnecessary changes in the placement of foster children and by encouraging the recruitment of foster parents who may be eligible as adoptive parents.

(2) When the state board determines that the interests of a child in a foster care placement would be served thereby, the state board may request a review hearing as provided for in section

43-1313.

Sec. 8. Original section 43-1308, Reissue Revised Statutes of Nebraska, is repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 102. Introduced by Jones, 43.

WHEREAS, on May 9, 1895, the Alpha Theta Chi fraternity was founded at the University of Nebraska-Lincoln; and

WHEREAS, on November 26, 1932, the Alpha Theta Chi fraternity became affiliated with the Chi Phi fraternity, the oldest social fraternity in existence; and

WHEREAS, Alpha Theta Chi chapter of Chi Phi fraternity on the University of Nebraska-Lincoln campus has the highest percentage of members listed in the "Who's Who in America" than any other college fraternity; and

WHEREAS, the fraternity has helped numerous young men adjust to college life and better themselves for life after college; and

WHEREAS, alumni of the Alpha Theta Chi chapter of Chi Phi fraternity on the University of Nebraska-Lincoln campus have gone on to become the Dean of Harvard Law School, a General Counsel to AT&T, a U.S. Attorney, the Dean of Northwestern University Medical School, a Judge on the Nebraska Supreme Court, the Chancellor of the University of Denver, the Editor-In-Chief of the Lincoln Star, the Dean of the University of Nebraska College of Medicine, the President of the University Publishing Company in Lincoln, the President of the Nebraska Board of Regents, the Director of the Federal Reserve Bank in Kansas City, a Nebraska State Legislator, the Editor of M-G-M News, and a member of Eastman-Kodak's board of directors; and

WHEREAS, on May 12 and 13, 1995, Chi Phi fraternity national officers, 250 alumni, active chapter members, and leaders of the University of Nebraska will gather at the Cornhusker Hotel to celebrate the 100th-year anniversary of the Alpha Theta Chi chapter of Chi Phi fraternity on the University of Nebraska-Lincoln campus.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the long-standing presence of Chi Phi fraternity in Nebraska and the achievements of its members be recognized.
2. That a copy of this resolution be sent to the Chi Phi fraternity at the University of Nebraska-Lincoln campus.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Andrews, Nancy - Nebraska Environmental Quality Council -- Natural Resources

Bachenberg, Timothy C., M.D. - Child Abuse Prevention Fund Board -- Health and Human Services

Bernard-Stevens, Janet - Nebraska Environmental Quality Council -- Natural Resources

Boehler, Conrad - Nebraska Environmental Quality Council -- Natural Resources

Conway, David F. - Commission for the Hearing Impaired -- Health and Human Services

Darnall, Lindsay R. - Commission for the Hearing Impaired -- Health and Human Services

Dixon, Jack - Nebraska Environmental Quality Council -- Natural Resources

Fuhrer, Paul - Nebraska Environmental Quality Council -- Natural Resources

Hansen, Bradley J. - Nebr. Environmental Trust Board -- Natural Resources

Heermann, Dennis - Nebraska Environmental Quality Council -- Natural Resources

Hlava, Fred E. - Nebraska Environmental Quality Council -- Natural Resources

Hohnbaum, Jerry A. - Commission for the Hearing Impaired -- Health and Human Services

Kramper, Vincent J. - Nebr. Environmental Trust Board -- Natural Resources

Pearson, James A. - Nebr. Board of Parole -- Judiciary

Skarda, William R. - Nebr. Liquor Control Commission -- General Affairs

Sommer, Richard - Nebraska Environmental Quality Council -- Natural Resources

Werner, Curt G. - Nebr. Environmental Trust Board -- Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 106. Mr. Withem offered the following amendment:
FA182
Page 2, line 7 strike "or" & insert "and/or".

Messrs. Wesely and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his amendment.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA183
Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use or other consumption in this state of air conditioning units used solely by a business to produce a product sold at retail.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the Beutler amendment.

Voting in the affirmative, 5:

Beutler
Chambers
Hall
Schimek
Will

Voting in the negative, 13:

Bohlke
Brashear
Bromm
Crosby
Dierks
Engel
Fisher
Janssen
Maurstad
Schmitt
Warner
Wehrbein
Wickersham

Present and not voting, 20:

Avery
Bernard-Stevens
Brown
Coordsen
Cudaback
Day
Elmer
Hillman
Hudkins
Jensen
Lindsay
Matzke
McKenzie
Robak

Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Witek

Excused and not voting, 11:

Abboud
Hartnett
Jones
Kristensen
Landis
Lynch
Pedersen
Pirsch
Preister
Wesely
Withem

The Beutler amendment lost with 5 ayes, 13 nays, 20 present and not voting, and 11 excused and not voting.

MR. HALL PRESIDING

Mr. Dierks moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Avery
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 10:

Bernard-Stevens
Beutler
Brown
Chambers
Hall
Landis
Lindsay
Schimek
Will
Withem

Present and not voting, 3:

Day
Hillman
Jensen

Excused and not voting, 7:

Abboud
Hartnett
Lynch
Pedersen
Pirsch
Preister
Wesely

Advanced to E & R for review with 29 ayes, 10 nays, 3 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 860 in the Journal. No objections. So ordered.

AM1881

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 9-812, Revised Statutes Supplement, 1994, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. Beginning with fiscal year 1997-98 through fiscal year 1999-2000, two million five hundred thousand dollars of the money remaining after payment of prizes and operating expenses shall be allocated each fiscal year to the School Technology Fund. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses and allocation to the School Technology Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement.

The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom; and

(p) Approved programs or services under sections 79-4001 to 79-4004.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Any money in the State Lottery Operation Revolving Fund on April 20, 1994, shall be transferred to the State Lottery Operation Cash Fund on such date.~~

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 2. It is the intent of the Legislature that by June 30, 2000, all kindergarten through grade twelve public school districts or affiliated school systems shall have a direct connection to a statewide public computer information network.

The School Technology Fund is created. The fund shall consist of the money allocated to the fund pursuant to section

9-812 and appropriations made by the Legislature which are received as gifts or grants. The State Board of Education shall authorize the disbursement of the fund as provided in this section. The first priority for the disbursement of the School Technology Fund is the direct connection of each kindergarten through grade twelve public school district or affiliated school system to a statewide public computer information network. Subsequent priorities for disbursement may include, but are not limited to, development of networking capabilities within a district or system, the purchase or installation of equipment, or other telecomputing needs as determined by the State Board of Education. Funds shall be distributed to school districts and affiliated school systems each fiscal year in the same manner as provided in sections 79-3806 to 79-3813. The State Board of Education shall adopt and promulgate rules and regulations to carry out the provisions of this section. Any money in the School Technology Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

Sec. 3. Original section 9-812, Revised Statutes Supplement, 1994, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 2; and strike beginning with "to" in line 7 through line 9 and insert "and to repeal the original section.".

VISITORS

Visitors to the Chamber were 12 seventh and eighth grade students and sponsor from Funk; Aleyda Tejeira from Panama and Jeanene Schwartz from Kearney; and 28 fifth grade students and teacher from Creighton Community School, Creighton.

ADJOURNMENT

At 4:55 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, May 3, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SECOND DAY - MAY 3, 1995

LEGISLATIVE JOURNAL

SEVENTY-SECOND DAY - MAY 3, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 3, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Tom Osborne, Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Dierks, Engel, Hartnett, Kristensen, Lindsay, Lynch, Pedersen, Schmitt, Wehrbein, Wesely, Will, Mmes. Bohlke, Brown, McKenzie, Robak, and Stuhr who were excused until they arrive.

MR. BEUTLER PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

REPORT

The following report was received by the Legislature:

Labor, Department of
Nebraska Monthly Report on Labor Force and Unemployment

SELECT FILE

LEGISLATIVE BILL 856. Mr. Hall reoffered his amendment, AM1379, found in the Journal on page 1445 and considered on page 1665.

Mr. Hall moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Hall amendment was adopted with 25 ayes, 1 nay, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 286. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 579. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 564. Title read. Considered.

Standing Committee amendment, AM1062, found in the Journal on page 1199, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 616. Title read. Considered.

Standing Committee amendment, AM1033, found in the Journal on page 1226, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 696. Title read. Considered.

Mr. Kristensen renewed his pending amendment, AM1628, printed separately from the Journal and referred to on page 1646.

Mr. Kristensen withdrew his amendment.

Mr. Brashear offered the following amendment:
AM1652

1. Insert the following new section:

"Sec. 4. (1) Any resident of this state may, in addition to the application required by section 60-302, make application to the Department of Motor Vehicles for a set of Nebraska Cornhusker license plates designed by the department. The plates shall include the words "Nebraska Cornhuskers" and shall be scarlet and cream in color. The plates shall be consecutively numbered beginning with the Arabic numeral one.

(2)(a) An applicant for Nebraska Cornhusker license plates shall pay a fee of fifty dollars upon application for such plates and a fee of fifty dollars for the annual renewal of such plates.

(b) Thirty dollars of the fee paid pursuant to subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Twenty dollars of such fee shall be remitted to the State Treasurer for credit to the general scholarship fund of the University of Nebraska at Lincoln.".

2. Renumber the remaining section accordingly.

PRESIDENT ROBAK PRESIDING

Mr. Brashear withdrew his amendment.

Advanced to E & R for review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 712. Mr. Chambers renewed his pending amendment, FA146, found in the Journal on page 1620, to his pending amendment, FA144, found in the Journal on page 1613.

Mr. Chambers asked unanimous consent to replace his pending amendments, FA144 and FA146, found in the Journal on pages 1613 and 1620, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendments, FA144 and FA146, found in the Journal on pages 1613 and 1620.

Mr. Chambers offered the following substitute amendment:
FA184

Amend Committee Amendments

Add a new section:

"Notwithstanding any provisions in sections 43-101 to 43-117, any biological mother who has executed a relinquishment and consent to adopt shall have the right within forty-eight hours of executing such relinquishment and consent, to revoke such relinquishment and consent."

Messrs. Kristensen, Avery, Landis, Vrtiska, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 9:

Bernard-Stevens
Bohlke
Chambers
Hall
Hudkins
Janssen
Lindsay
Schimek
Warner

Voting in the negative, 19:

Brashear
Bromm
Brown
Coordsen
Crosby
Elmer
Engel
Fisher
Hillman
Jensen
Jones
Matzke
Maurstad
Robinson
Schellpeper
Stuhr
Wesely
Wickersham
Witek

Present and not voting, 11:

Beutler
Cudaback
Dierks
Hartnett
McKenzie
Preister
Robak
Schmitt
Schrock
Wehrbein
Withem

Excused and not voting, 10:

Abboud
Avery
Day
Kristensen
Landis
Lynch
Pedersen
Pirsch
Vrtiska
Will

The Chambers amendment lost with 9 ayes, 19 nays, 11 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie and Mr. Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Bromm and Chambers offered the following amendment:
FA185

Amend Committee Amendment AM7054 as follows:

1. On page 10, lines 7-8, put period after "act" and strike remaining language through line 8, and

2. On page 10, line 24, strike the language beginning with the first "If" through the word "parent" on line 9, page 11

The Bromm-Chambers amendment was adopted with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

Mr. Hall reoffered his amendment, AM1532, found in the Journal on page 1549.

SPEAKER WITHEM PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 9:

Brashear
Crosby
Dierks
Hall
Hartnett
Lindsay
Pedersen
Preister
Witek

Voting in the negative, 18:

Beutler
Bohlke
Bromm
Brown
Elmer
Hillman
Hudkins
Jensen
Jones
Matzke
Maurstad
Schellpeper
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 16:

Avery
Bernard-Stevens
Chambers
Coordsen
Cudaback
Engel
Fisher
Janssen
Kristensen
McKenzie
Robak
Robinson
Schimek
Schmitt
Schrock
Withem

Excused and not voting, 6:

Abboud
Day
Landis
Lynch
Pirsch
Will

The Hall amendment lost with 9 ayes, 18 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Kristensen, Lindsay, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA187

1. Strike section 19 and substitute the following:

'Sec. 19. Section 30-2608, Reissue Revised Statutes of Nebraska, is amended to read:

30-2608. The father and mother are the natural guardians of their minor children and are ~~equally~~ duly entitled to their custody and to direct their education, being themselves competent to transact their own business and not otherwise unsuitable. If either dies or is disqualified for acting, or has abandoned his or her family, the guardianship devolves upon the other except as otherwise provided in this section. In the appointment of a parent as a guardian when the other parent has died and the child was born out of wedlock, the court shall consider the wishes of the deceased parent as expressed in a valid will executed by the deceased parent. If in such valid will the deceased parent designates someone other than the other natural parent as guardian for the minor children, the court shall take into consideration the designation by the deceased parent. In determining whether or not the natural parent should be given priority in awarding custody, the court shall also consider the natural parent's acknowledgment of paternity, payment of child support, and whether the natural parent is a fit, proper, and suitable custodial parent for the child. The court may appoint a guardian for a minor if all parental rights of custody have been terminated or suspended by prior or current circumstances or prior court order. A guardian appointed by will as provided in section 30-2606 whose appointment has not been prevented or nullified under section 30-2607 has priority over any guardian who may be appointed by the court but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within thirty days after notice of the guardianship proceeding.' ".

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Beutler amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Matzke moved to invoke cloture on LB 712.

The Matzke motion for cloture prevailed with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment with 30 ayes, 3 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 712A. Considered.

Mr. Chambers moved to indefinitely postpone LB 712A.

Ms. Day, Messrs. Dierks, Schellpeper, Coordsen, Jones, Schrock, Engel, Cudaback, Wickersham, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

May 3, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 68, 68A, 447, 542, 718, 837, 251, 285, 346, 396, 451, 488, 527, and 589 were received in my office on April 27, 1995.

These bills were signed by me on May 3, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1874

1. Insert the following new sections:

"Sec. 17. In addition to any fine or other penalty prescribed by law, a surcharge of twenty-five dollars shall be imposed on:

(1) Any defendant who pleads guilty or nolo contendere to or is convicted of (a) any felony offense, whether classified or unclassified, (b) any Class I or Class II misdemeanor, or (c) any unclassified misdemeanor for which the maximum penalty exceeds six months imprisonment or a five-hundred-dollar fine or both; and

(2) Any defendant sentenced to probation or community service.

Sec. 18. The surcharge provided in section 17 of this act shall be paid within ten days of imposition or final determination. Failure to comply shall be punishable as contempt of court. Contempt proceedings or other proceedings to collect the surcharge shall be initiated by the court on its own motion.

(1) In a case of clear financial hardship when a fine is suspended in whole or in part, the surcharge may be waived by the court.

(2) The surcharge shall not apply to or be imposed in proceedings or adjudications under the Nebraska Juvenile Code.

(3) Money paid to the court by a defendant shall be applied to the surcharge before being applied to any fine, penalty, cost, or assessment imposed on the defendant. The clerk of the court shall remit the proceeds from the surcharge to the State Treasurer. The State Treasurer shall credit fifty percent of the proceeds from each surcharge to the Victim's Compensation Fund and fifty percent of the proceeds to the Crime Victim and Witness Assistance Fund.

Sec. 19. Section 81-1835, Reissue Revised Statutes of Nebraska, is amended to read:

81-1835. ~~There is hereby established in the state treasury a~~ The Victim's Compensation Fund ~~from which all~~ is created. All awards or judgments under the Nebraska Crime Victim's Reparations Act shall be paid from the fund. The ~~This~~ fund shall include deposits pursuant to sections 29-2286, 81-1836, and 83-183.01 and section 18 of this act and shall be in such amount as the Legislature ~~shall determine~~ determines to be reasonably sufficient to meet anticipated claims. When the amount of money in the ~~Victim's Compensation Fund~~ fund is not sufficient to pay any awards or judgments under the act, the Director of Administrative Services shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments.

The committee shall not use more than two and one-half percent of the amounts credited to the fund pursuant to section 18 of this act to administer the act. Any money in the Victim's Compensation Fund available for investment shall be invested by the state investment officer pursuant to sections ~~72-1237 to 72-1269~~

the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 20. Section 81-1841, Reissue Revised Statutes of Nebraska, is amended to read:

81-1841. Sections 81-1801 to 81-1841 and sections 17 and 18 of this act shall be known and may be cited as the Nebraska Crime Victim's Reparations Act.

Sec. 21. Section 81-1844, Reissue Revised Statutes of Nebraska, is amended to read:

81-1844. ~~There is hereby created a fund to be known as the~~ The Crime Victim and Witness Assistance Fund is created. ~~Such~~ The fund shall contain the amounts credited to the fund pursuant to section 18 of this act and such amounts as may be appropriated by the Legislature and shall be used only for the purposes set forth in sections 81-1843 to 81-1848.

The ~~Such~~ fund shall be administered by the ~~Nebraska Commission on Law Enforcement and Criminal Justice~~ commission. The commission shall not use more than two and one-half percent of the amounts credited to the fund pursuant to section 18 of this act to administer sections 81-1843 to 81-1848.".

2. On page 29, line 18, before "83-1,107" insert "81-1835, 81-1841, 81-1844,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1920

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new amendment:

"3. On page 15, line 25, strike 'sections' and insert 'subsection (3) of section 28-306 or section'.".

2. Renumber the remaining amendments accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1933

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new sections:

"Sec. 30. It is unlawful for any individual to knowingly possess or discharge a firearm at a place that the individual knows or has a reasonable cause to believe is within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, a public or private college, junior college, or university. This section does not apply to the possession of a firearm:

(1) On private property not part of such real property;

(2) By an individual who is a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or who is a peace officer when on duty or when training;

(3) Which is lawfully possessed by a person receiving instruction under the immediate supervision of an adult instructor;

(4) By a nonstudent adult when the firearm is not loaded and is encased in a case that is expressly made for the purpose of containing the firearm and such case is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

Sec. 31. County authorities shall erect and maintain adequate signs where practicable indicating the boundaries described in section 30 of this act. The signs shall be plainly visible and shall be maintained by the county. Sections 30 to 32 of this act shall not be enforced until such signs are erected.

Sec. 32. A violation of section 1 of this act is a Class I misdemeanor.".

2. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1934

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new section:

"Sec. 30. Any individual, partnership, firm, limited liability company, corporation, company, society or association, the state or any department, agency, or subdivision thereof, or any other public or private entity aggrieved by the actions of an individual convicted of a violation of section 28-311.01 shall have a cause of action for any loss or damage, including reasonable costs and attorneys fees, resulting from the underlying conduct which was the basis for the conviction.".

2. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1927

(Amendments to Standing Committee amendments, AM0885)

1. On page 6, lines 10 and 11, strike "seventy-five percent", show as stricken, and insert "a majority".

Mrs. Witek asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1677

(Amendments to AM1587)

1. Strike sections 3 to 12 and insert the following new section:

"Sec. 3. The County Revenue Assistance Fund is created. The fund shall consist of money appropriated from the General Fund.

The Legislature recognizes the necessity for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the counties of Nebraska in providing for extraordinary indigent defense services. It is the intention of the Legislature to confer emergency powers on the Governor and vest him or her with adequate power and authority within the limitation of available funds in the County Revenue Assistance Fund to meet the need for extraordinary indigent defense services.

Counties may apply for funds to help cover the costs of providing indigent defense services. Assistance shall be provided from the fund to counties which have incurred costs to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the county. The applications shall be on forms furnished by the Governor and shall furnish sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The highest priority for awarding funds shall be in death penalty cases and the next priority shall be in other murder cases.

When awarding funds the Governor shall issue an emergency declaration which sets forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Governor shall determine the amount of aid to be furnished. The Governor shall issue his or her voucher to the Director of Administrative Services who shall issue his or her warrant therefor to the applicant.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 2, strike beginning with "to" in line 11 through "Advocacy" in line 12.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1943

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new section:

"Sec. 12. Section 29-2257, Reissue Revised Statutes of Nebraska, is amended to read:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.

This provision for salary equalization shall apply only to probation officers and support staff and shall not apply to chief probation officers, the probation administrator, the chief deputy administrator, the deputy probation administrator, or any other similarly established management positions. The probation administrator shall report to the Judiciary Committee of the Legislature no later than December 1, 1995, detailing the actions taken under this section, including a breakdown on the distribution of salary equalization money appropriated by the Ninety-fourth Legislature, First Session.".

2. On page 29, line 17, after the last comma insert "29-2257,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1957

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new amendments:

"3. On page 7, line 27, strike "Sixteen ounces" and insert "Four hundred fifty grams".

4. On page 8, strike line 1 and show the old matter as stricken and insert '(b) At least two hundred grams but less than four hundred fifty grams'; in line 3 strike 'one ounce but less than seven ounces', show as stricken, and insert 'twenty-eight grams but less than two hundred grams'; in line 9 strike 'One hundred forty' and insert 'Four hundred fifty'; in line 11 strike 'twenty-eight', show as stricken, and insert 'two hundred'; in line 12 strike 'one hundred forty' and insert 'four hundred fifty'; and strike line 14 and insert '(c) At least twenty-eight grams but less than two hundred grams'.".

2. Renumber the remaining amendments accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM1955

(Amendments to Standing Committee amendments, AM0885)

1. On page 6, reinstate beginning with "for" in line 4 through "through" in line 5 and after the reinstated "through"

3 insert "1997-98,".

MOTION - Place LB 719 on General File

Mr. Wehrbein moved to place LB 719 on General File pursuant to Rule 3, Section 19.

Laid over.

SPEAKER'S ANNOUNCEMENT

In accordance with Rule 6-3(h), I have decided that it is proper for LB 371 to be referred back to the Judiciary Committee for further action. This letter is to notify you of my Order that such action be taken, and request that you announce my intentions to the entire legislative body with regard to this Order at the earliest possible opportunity.

Rule 6-3(h) states in pertinent part:

> (h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same;

As of May 2, 1995, nine amendments have been filed to LB 371 and five amendments have been filed to the Committee amendments to LB 371, for a total of 14 amendments. Many of these amendments propose highly controversial and substantial changes in public policy regarding Nebraska's Criminal Code. It is my opinion that there are enough new issues presented in these amendments that the Judiciary Committee should have an opportunity to examine their content and potential policy and fiscal impact before the bill is debated by the entire legislative body.

It is my intent to allow the Judiciary Committee the time it requires to deliberate on the proposed amendments and prepare recommendations for the entire Legislature's consideration. However, this Order will in no way impact upon this bill's priority status or any other scheduling alternatives which are within my prerogative as Speaker to pursue.

(Signed) Speaker Ron Withem

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 399, 840, 840A, and 860.

Enrollment and Review Change to LB 840

The following changes, required to be reported for publication in the Journal, have been made:
ER9069

1. In the E & R amendments, AM7077, on page 1, line 18, "section 7" has been struck and "sections 7 and 10" inserted.

Enrollment and Review Change to LB 860

The following changes, required to be reported for publication in the Journal, have been made:
ER9068

1. In the Robinson amendment, AM1576:

a. Sections 5, 6, and 7 have been renumbered as sections 4, 5, and 6, respectively;

b. On page 4, line 16, the last comma has been struck;

c. On page 7, the matter beginning with "Any" in line 20 through line 23 has been struck and shown as stricken;

d. On page 8, line 6, "subsection (2) of" has been inserted after the comma; and in line 7 the last comma has been struck and "subsection and" has been inserted after "such"; and

e. On page 13, line 18, ", 79-3819," has been struck.

2. On page 1, line 1, "sections 79-2225 and 81-1634, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; in line 2 "lottery" has been struck and "for" inserted; in line 3 "and" has been struck and "to state intent; to create a fund; to provide powers and duties relating to access to a statewide public computer information network; to change the distribution of certain funds;" inserted; and in line 4 "section" has been struck and "sections; and to declare an emergency" inserted.

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were nine seniors and teacher from Norfolk; Connie Shaw from Bassett; 38 fourth grade students, teacher, and sponsor from Stanton; 14 seniors, teachers, and sponsor from Sterling; Marie Stavas and Pat Ernst from Columbus; 78 fourth grade students and teacher from Skyline Elementary, Elkhorn; seventh and eighth grade students and teacher from Silver Creek; and John, Connie, and Carla Underwood from Columbus and Juan Moya from Bogata, Columbia.

RECESS

At 12:08 p.m., on a motion by Mr. Maurstad, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Avery, Cudaback, Jones, Landis, Robinson, Schmitt, Schrock, Wickersham, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM1917

1. In the Hartnett amendment, AM1812:

a. On page 1, line 5, strike the commas and after "3" insert "to"; and in line 8 after "18-1738" insert ",18-1738.01,"; and

b. On page 2, strike line 2 and insert a period.

2. In the Standing Committee amendment, AM0380, strike section 6 and all amendments thereto and insert:

"Sec. 6. Section 18-1740, Revised Statutes Supplement, 1994, is amended to read:

18-1740. (1) All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. ~~After September 9, 1993, all~~ All permits authorized under such sections for handicapped ~~and~~ or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this section and section 18-1738 or 18-1738.01. After September 9, 1995, all permanently issued permits authorized by sections 18-1736 to 18-1741.07 shall be issued for a period ending on September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the issuing city or village clerk or designated county official within thirty days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration.

(2) All permits authorized under ~~such~~ sections 18-1736 to 18-1741 prior to September 10, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending ninety days ~~from~~ after the date of issuance but may be renewed for up to three additional ninety-day periods. All permits authorized under sections 18-1736 to 18-1741.07 after September 9, 1995, for temporarily handicapped or disabled parking shall be issued for a

period ending not more than six months after the date of issuance but may be renewed for a one-time period no to exceed six months. For ~~each additional ninety-day~~ the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

(3) A permit fee of three dollars shall be charged for each permit, two dollars and fifty cents of which shall be retained by the clerk or designated county official who issues the permit and fifty cents of which shall be forwarded on a quarterly basis to the Department of Motor Vehicles.".

SELECT FILE

LEGISLATIVE BILL 712A. Mr. Chambers withdrew his pending motion, found in the Journal on page 1942, to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 172. Mr. Chambers withdrew his pending motion, found in the Journal on page 1880, to indefinitely postpone.

Mr. Matzke renewed his pending amendment, AM1234, found in the Journal on page 1331.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Matzke amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Lindsay offered the following amendment:
AM1965

1. On page 2, after line 26 insert the following new paragraph:

"Upon a written request and with the injured person's consent, a lienholder shall provide medical records, answers to interrogatories, depositions, or any expert medical testimony related to the recovery of damages within its custody and control at a reasonable charge to the injured person.".

The Lindsay amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 32 ayes, 5 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 490. The Kristensen pending amendment, AM1609, found in the Journal on page 1644 and considered on page 1900, was renewed.

Messrs. Kristensen and Hall offered the following amendment to the Kristensen pending amendment:
AM1911

(Amendments to AM1609)

1. Strike amendment 3 and insert the following amendment:

"3. In the Standing Committee amendments, AM0904, strike section 18 and insert the following new section:

'Sec. 18. In resolving a contested case, the commission may make such orders as are appropriate for resolving the dispute but in no case shall the relief be excessive compared to the problems addressed. The commission may make prospective orders requiring changes in assessment practices which will improve assessment practices or affect the general level of assessment or the measures of central tendency in a positive day. If no other relief is adequate to resolve disputes, the commission may order a reappraisal of property within a county, an area within a county, or classes or subclasses of property within a county.'.".

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen-Hall amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Kristensen pending amendment, AM1609, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Coordsen, Schellpeper, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM1600, printed separately from the Journal and referred to on page 1668.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen renewed his pending amendment, AM1673, printed separately from the Journal and referred to on page 1738.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Vrtiska renewed his pending amendment, AM1385, found in the Journal on page 1808.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Messrs. Warner, Maurstad, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska withdrew his amendment.

Mr. Kristensen offered the following amendment:
FA188
Strike Section 5 and renumber

Mr. Cudaback and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 103. Introduced by Hartnett, 45; Maurstad, 30.

WHEREAS, the office of the municipal clerk, a time-honored and vital part of local government, exists throughout the world; and

WHEREAS, the office of the municipal clerk is the oldest among public servants; and

WHEREAS, the office of the municipal clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS, municipal clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the municipal clerk serves as the information center on functions of local government and community; and

WHEREAS, the municipal clerks of this state are continually striving to improve the administration of the affairs of the office of the municipal clerk and their respective cities; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the municipal clerks of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature recognizes the week of May 7 through May 13, 1995, as Municipal Clerks' Week.
2. The Legislature further extends its appreciation to all municipal clerks in Nebraska for the vital services they perform and their exemplary dedication to the communities they represent.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Fisher asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1918

(Amendments to Standing Committee amendments, AM0747)

1. Strike amendment 2.
2. Renumber the remaining amendments accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 391 in the Journal. No objections. So ordered.

AM1896

(Amendments to Standing Committee amendments, AM1756)

1. On page 2, lines 2 and 3, strike "50,000 50,000" and insert "100,000 100,000".
2. On page 11, lines 23 and 26, strike "$50,000" and insert "$100,000".

Ms. Day and Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 207 in the Journal. No objections. So ordered.

AM1825

1. Insert the following new sections:

"Section 1. Section 18-2701, Revised Statutes Supplement, 1994, is amended to read:

18-2701. Sections 18-2701 to 18-2738 and section 2 of this act shall be known and may be cited as the Local Option Municipal Economic Development Act.

Sec. 2. (1) If the proposed economic development program involves the making of grants or loans for the construction or rehabilitation for sale or lease of housing for persons of low or moderate income, the proposed plan shall specify (a) the income levels which will qualify persons for participation in the housing program and (b) the criteria for determining the adjustments to be made to the income of persons to determine their qualification for participation. For the purposes of the Local Option Municipal Development Act, the city shall determine low and moderate income standards for the economic development program by basing such standards upon existing federal government guidelines or standards for qualifying for any federal housing assistance program as such levels may be modified by the consideration of existing local and regional economic conditions and income levels.

(2) In establishing the criteria to be applied in determining appropriate adjustments to the income of persons seeking consideration for participation in the program pursuant to subsection (1) of this section, the city shall consider the following factors:

(a) The amount of income of the person which is available for housing needs;

(b) The size of the family to reside in each housing unit;

(c) The cost and condition of housing available in the city;

(d) Whether the person or any member of the person's family who will be residing in the housing unit is elderly, infirm, or disabled;

(e) The ability of the person to compete successfully in the private housing market and to pay the amounts the private enterprise market requires for safe, sanitary, and uncrowded housing; and

(f) Such other factors as the city determines which are particularly relevant to the conditions facing persons seeking new or rehabilitated housing in the city.".

2. In the Standing Committee amendments, AM0894: On page 1, strike beginning with the first "for" in line 10 through "income" in line 11 and insert "of housing".

3. On page 4, line 13, strike "18-2705" and insert "18-2701, 18-2705,".

Mr. Schrock asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1768

(Amendments to Final Reading copy)

1. On page 17, line 9, after "(4)" insert:

"Performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and for which the attending physician or registered nurse determine can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision;

(5)"; in line 11, strike "(5)" and insert "(6)"; and in line 25 strike "(6)", show as stricken, and insert "(7)".

2. On page 18, line 11, strike "(7)" and insert "(8)".

Mr. Will asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1870

(Amendments to E & R amendments, AM7120)

1. Insert the following new sections:

"Sec. 13. The services provided by the commission shall be available only to those counties which have an indigent defense system pursuant to sections 23-3401 to 23-3407, sections 29-3909 to 29-3918, or an intercounty local compact for the delivery of indigent defense services. Before the commission provides supplemental indigent defense services, the county requesting services must:

(1) Enumerate and describe the case for which assistance is requested;

(2) Describe the reason for the request for assistance; and

(3) Describe the reason that the public defender or contract attorney in that county cannot handle the case for which assistance is required.

Any request for services shall be made to the chief counsel who shall be responsible for accepting or rejecting the request for services based on the rules and regulations.

Sec. 14. If the chief counsel accepts a request for representation or assistance from a requesting county, he or she shall notify the court having jurisdiction over the case that the commission's services are available and the court shall appoint counsel from the commission to represent the individual in need of services.

Sec. 15. Section 23-3404, Reissue Revised Statutes of Nebraska, is amended to read:

23-3404. (1) In a county ~~having a population of less than thirty-five thousand inhabitants~~ which does not have an elected public defender, the county board of such county may appoint a qualified attorney to serve as public defender for such county. In making the appointment and negotiating the contract, the county board shall comply with sections 23-3405 to 23-3408.

(2) In appointing a public defender pursuant to subsection (1) of this section, counties may enter into intercounty local compacts for the delivery of indigent defense services.

(3) Nothing in sections 23-3401 to 23-3403 or 29-3901 to 29-3908 shall be construed to apply to sections 23-3404 to 23-3408.

Sec. 16. Section 23-3405, Reissue Revised Statutes of Nebraska, is amended to read:

23-3405. (1) Prior to making the appointment and negotiating the contract provided for in section 23-3404, the county board of such county shall appoint a policy board which shall ensure the independence of the contracting attorney and provide the county board with expertise and ~~support~~ advice in such matters as criminal defense functions, determination of salary levels, ~~determination of reasonable caseload standards, response to community and client concerns,~~ determination of personnel and staff requirements sufficient to provide competent representation, and implementation of the contract. The policy board shall consist of three members. Two of the members shall be practicing attorneys, and one member shall be a layperson. The policy board shall not include judges, prosecutors, or law enforcement officials.

(2) The policy board shall: (a) Receive applications from all attorneys who wish to be a public defender; (b) screen the applications to insure compliance with sections 23-3404 to 23-3408; (c) forward the names of any qualified applicants to the county board which shall make the appointments from the list of qualified candidates; and (d) ~~recommend to the county board the level of compensation that the public defender should receive and further recommend any contract provisions consistent with such sections; and (e) monitor compliance with such sections, including any continuing legal education requirements~~ make recommendations to the county board concerning the budget requirements, including the level of compensation that the public defender and staff should receive.

Sec. 17. Section 23-3406, Reissue Revised Statutes of Nebraska, is amended to read:

23-3406. (1) The contract negotiated between the county board and the contracting attorney shall specify the categories of cases in which the contracting attorney is to provide services.

(2) The contract negotiated between the county board and the contracting attorney shall be awarded for at least a two-year term. Removal of the contracting attorney short of the agreed term may be for good cause only.

(3) The contract ~~between the county board and the contracting attorney may specify a maximum allowable caseload for each full-time or part-time attorney who handles cases under the contract. Caseloads shall~~ require sufficient staffing for the public defender so as to allow each lawyer to give every client the

time and effort necessary to provide effective representation.

(4) The contract between the county board and the contracting attorney shall provide that the contracting attorney be compensated at a minimum rate which reflects the following factors:

(a) The customary compensation in the community for similar services rendered by a privately retained counsel to a paying client or by government or other publicly paid attorneys to a public client;

(b) The time and labor required to be spent by the attorney; and

(c) The degree of professional ability, skill, and experience called for and exercised in the performance of the services.

(5) The contract between the county board and the contracting attorney shall provide that the contracting attorney may decline to represent clients with no reduction in compensation if the contracting attorney is assigned more cases which require an extraordinary amount of time and preparation than the contracting attorney can competently handle. In cases in which the contracting attorney has declined to represent clients pursuant to this subsection, the county board or the contracting attorney may request assistance from the Commission for Supplemental Indigent Defense Services.

(6) ~~The contract between the contracting attorney and the county board shall provide that the contracting attorney shall receive at least ten hours of continuing legal education annually in the area of criminal law.~~ The contract between the county board and the contracting attorney shall provide for reasonable funds for the continuing legal education of the contracting attorney and staff in the area of criminal law.

(7) The contract between the county board and the contracting attorney shall require that the contracting attorney provide legal counsel to all clients in a professional, skilled manner consistent with minimum standards set forth by ~~the American Bar Association and~~ the Canons of Ethics for Attorneys in the State of Nebraska. The contract between the county board and the contracting attorney shall provide that the contracting attorney shall be available to eligible defendants upon their request, or the request of someone acting on their behalf, at any time the Constitution of the United States, ~~or~~ the Constitution of Nebraska, or Nebraska statutes requires the appointment of counsel.

(8) The contract between the county board and the contracting attorney shall provide for reasonable compensation over and above the normal contract price for cases which require an extraordinary amount of time and preparation, including capital cases.".

2. On page 1, line 3, strike "This" and insert "Sections 1 to 14 of this"; in line 11 strike "begins to assist" and insert "assists"; and strike lines 20 through 24 and insert the following

new subdivision:

"(4) The primary responsibility for the delivery of indigent defense services in criminal cases is that of county government but the state should assist in delivery of these services in certain cases; and".

3. On page 2, strike lines 1 through 4; in line 5 strike "(6)" and insert "(5)"; and in lines 8 and 9 and 21 strike "Commission on Public Advocacy" and insert "Commission for Supplemental Indigent Defense Services".

4. On page 3, line 8, after the semicolon insert the following new subdivisions:

"(8) Intercounty local compact means an agreement between several counties for the creation and funding of an indigent defense system pursuant to sections 23-3404 to 23-3407;"; in line 9 strike "(8)" and insert "(9)"; and in line 11 strike "Commission on Public Advocacy" and insert "Commission for Supplemental Indigent Defense Services".

5. On page 4, line 22, after the semicolon insert "and"; and strike lines 23 through 27.

6. On page 5, strike lines 1 through 15; and in line 16 strike "(9)" and insert "(2)".

7. On page 6, strike beginning with the comma in line 10 through line 27 and insert an underscored semicolon.

8. On page 7, strike lines 1 through 11 and insert

"(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them; and

(5) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month.".

9. Insert underscoring in the original sections and all amendments thereto.

Mr. Maurstad asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1959

(Amendments to Standing Committee amendments, AM0747)

1. Insert the following new sections:

"Sec. 6. Section 28-1201, Revised Statutes Supplement, 1994, is amended to read:

28-1201. For purposes of sections 28-1201 to 28-1212 and sections 32 to 40 of this act, unless the context otherwise requires:

(1) Firearm ~~shall mean~~ means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice ~~shall mean~~ means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile ~~shall mean~~ means any person under the age of

eighteen years;

(4) Knife ~~shall mean~~ means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles ~~shall mean~~ means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun ~~shall mean~~ means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle ~~shall mean~~ means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(8) Short shotgun ~~shall mean~~ means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 7. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds is a Class IV misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or

teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 32. Sections 32 to 40 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 33. For purposes of the Gun-Free School Zone Act:

(1) Gun-free school zone means the area within a distance of one thousand feet from the grounds of a school, not including private property which is not part of the grounds of a school; and

(2) School means any public, private, or parochial facility or institution which provides elementary or secondary education.

Sec. 34. No person shall knowingly possess a firearm in violation of section 28-1202, 28-1203, 28-1204, 28-1204.01, 28-1204.04, 28-1205, 28-1206, 28-1212.02, or 28-1212.03 in a gun-free school zone.

Sec. 35. A gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times while set apart as a gun-free school zone. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected and maintained.

Sec. 36. (1) Except as provided in subsection (2) of this section, no person shall knowingly or with reckless disregard for the safety of another discharge or attempt to discharge a firearm in a gun-free school zone.

(2) Subsection (1) of this section does not apply to the discharge of a firearm:

(a) By a person participating in a program approved by a school in a gun-free school zone;

(b) By a person in accordance with a contract entered into between a school in a gun-free school zone and the person or an employer of the person;

(c) By a peace officer acting in his or her official capacity; or

(d) By a properly licensed hunter legally hunting on private or public land.

(3) Nothing in the Gun-Free School Zone Act shall be construed as preempting or preventing a political subdivision from enacting an ordinance or passing a resolution establishing gun-free school zones as provided in the act.

Sec. 37. Any person who violates the Gun-Free School Zone Act is guilty of a Class IV misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. A sentence of imprisonment under the act shall not run concurrently but shall run consecutively with any other jail term imposed.

Sec. 38. (1) In addition to the penalties provided in section 37 of this act, any person who violates the Gun-Free School Zone Act the first time and is a student in any school in this state may be expelled from his or her school for one year in accordance with policies adopted by the school or school district. The person shall be afforded a formal due process hearing in the manner provided in section 79-12,115.

(2) In addition to the penalties provided in section 37 of this act, any person who violates the act a second or subsequent time and is a student in any school in this state shall be expelled from his or her school for one year.

Sec. 39. In addition to the penalties provided in section 37 of this act, any person who is convicted of violating the Gun-Free School Zone Act and is an employee or independent contractor of any school or school district in this state may have his or her employment or contract immediately terminated. Such person shall be afforded a formal due process hearing as provided in section 79-12,115.

Sec. 40. Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated and disposed of as provided in section 28-1204.04.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM1970

(Amendments to AM1774)

1. On page 6, line 20, after the period insert "No game bird shall be marked by using toe clipping methods.".

2. On page 10, line 27, after "hearing" insert "at least once a week for two consecutive weeks".

3. On page 11, strike beginning with "The" in line 2 through the period in line 3 and insert "The time of the hearing shall be at least ten days after the last publication. The commission shall mail the notice by first-class mail, postage prepaid, or certified mail, to all the landowners adjoining the proposed controlled shooting area.".

4. On page 12, line 12, strike "may", show as stricken, and insert "shall"; and in line 14 strike beginning with "may" through the second comma, show the old matter as stricken, and insert "shall".

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

MOTION - Reconsider Action on LB 851

Messrs. Will and Lindsay renewed their pending motion, found in the Journal on page 1827, to reconsider the motion to indefinitely postpone LB 851.

Mr. Will asked unanimous consent to withdraw the motion to reconsider. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Janssen asked unanimous consent to print the following amendment to LB 581 in the Journal. No objections. So ordered.

AM1968

(Amendments to Second Final Reading copy)

1. On page 2, lines 9 through 13, strike the new matter.

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM1948

(Amendments to AM1774)

1. On page 5, line 11, strike "and (f)" and insert "(f) the area will not interfere with normal activities of migratory birds, and (g)".

2. On page 10, line 10, strike "or" and insert an underscored comma; and in line 12 after "boundary" insert "or (c) the boundary of the area lies within five miles of a game reserve, bird refuge, wild fowl sanctuary, or reservation as established by the commission".

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM1949

(Amendments to AM1774)

1. On page 5, line 12, after the comma insert "particularly in the interest of property owners within a ten-mile radius of the area,".

Messrs. Withem and Chambers asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

AM1966

1. Strike the original sections and all amendments thereto and insert:

"WHEREAS, the Legislature recognizes the requirement of state agencies to adopt new or amend or repeal existing rules and regulations pursuant to statutory changes; and

WHEREAS, the Legislature recognizes that rules and regulations may result in unintended consequences; and

WHEREAS, some of these consequences may impact negatively on the use of an individual's property; and

WHEREAS, such an impact on property may result in undue hardship to the property owner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That state departments and agencies should review the amending, repealing, or drafting of rules and regulations in a manner which is sensitive to the impact upon property.

2. That when amending, repealing, or drafting rules and regulations a state department or agency shall consider whether its

actions could possibly have a negative impact upon property and a description of the type of property affected.

3. That a copy of this resolution be transmitted by the Clerk of the Legislature to the Governor with a request that he consider distributing it to every state department and agency.".

VISITORS

Visitors to the Chamber were 78 fourth grade students and sponsors from Highland and West Park Elementary Schools, Columbus; Ruth Blankenship; Senator Engel's daughter, Kathie Meyer, from Omaha; Larry Shepperd, Jim Cook, and Ruth and Frank Gessner from Mills; and 34 eighth grade students and sponsors from Newport, St. Joseph in Atkinson, and Holt County Rural.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 8:30 a.m., Thursday, May 4, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-THIRD DAY - MAY 4, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 4, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Robert Chitwood, Administrator Eastmont Towers, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Brashear, Bromm, Chambers, Dierks, Engel, Hall, Lindsay, Lynch, Pedersen, Robinson, Schrock, Wehrbein, Wesely, Will, Mmes. Bohlke, Brown, Crosby, Hillman, Pirsch, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Janssen asked unanimous consent to print the following amendment to LB 205 in the Journal. No objections. So ordered.

AM1928

(Amendments to E & R amendments, AM7116)

1. On page 2, line 22, strike "waives" and insert "receives a verifiable report from a third party indicating any

irregularities or misconduct of officers or employees of the fire protection district, any misappropriation or misuse of public funds or property, or any improper system or method of bookkeeping or condition of accounts of the fire protection district. In the absence of such a report, the Auditor of Public Accounts may waive".

WITHDRAW - Amendment to LB 303

Mr. Hartnett withdrew his amendment, AM1685, found in the Journal on page 1708, to LB 303.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 303.

A BILL FOR AN ACT relating to courts; to amend section 24-808, Reissue Revised Statutes of Nebraska, and sections 24-802, 24-803, 24-806, 24-807, and 24-809, Revised Statutes Supplement, 1994; to change provisions relating to judicial nominating commissions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Abboud
Beutler
Coordsen
Cudaback
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 23:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Day
Dierks
Engel
Hall
Hillman
Lindsay
Lynch
Pedersen
Pirsch
Robak
Robinson
Schrock
Wehrbein
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 438 to Select File

Mr. Beutler moved to return LB 438 to Select File for the following specific amendment:
AM1975

(Amendments to Final Reading copy)

1. On page 6, line 21, strike "or self-insured company".

2. On page 7, strike lines 11 through 22; and in line 23 strike "(5)" and insert "(4)".

3. On page 8, line 6, strike "(6)" and insert "(5)"; in line 9 strike the colon; and in line 10 strike "(a) An" and insert "an"; strike beginning with the semicolon in line 11 through "state" in line 13; in line 14 strike "(7)" and insert "(6)"; in line 18 strike "(8)" and insert "(7)"; and in line 21 strike "(9)" and insert "(8)".

The Beutler motion to return prevailed with 25 ayes, 1 nay, 5 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 438. The Beutler specific amendment, AM1975, found in this day's Journal, was adopted with 25 ayes, 1 nay, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 581 to Select File

Mr. Janssen moved to return LB 581 to Select File for his specific amendment, AM1968, found in the Journal on page 1963.

The Janssen motion to return prevailed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 581. The Janssen specific amendment, AM1968, found in the Journal on page 1963, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 609 to Select File

Mr. Wesely moved to return LB 609 to Select File for the following specific amendment:
FA189
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 609.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-104, 3-107, 3-113, 3-116, 3-119, 3-124, 3-125, 3-126, 3-143, 3-144, and 3-147, Reissue Revised Statutes of Nebraska, and section 3-101, Revised Statutes Supplement, 1994; to change provisions relating to privately owned public use airports; to define a term; to provide powers and duties for the Department of Aeronautics; to harmonize provisions; and to repeal the original sections.

Mr. Bernard-Stevens requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

Abboud
Beutler
Coordsen
Cudaback
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Landis
Lindsay
Matzke
McKenzie
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Witek
Withem

Voting in the negative, 5:

Bromm
Preister
Warner
Wesely
Wickersham

Present and not voting, 7:

Avery
Bernard-Stevens
Chambers
Jones
Kristensen
Maurstad
Schimek

Excused and not voting, 16:

Bohlke
Brashear
Brown
Crosby
Day
Dierks
Engel
Hall
Hillman
Lynch
Pedersen
Pirsch
Robak
Schrock
Wehrbein

Will

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 146.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-1302 to 86-1306, Reissue Revised Statutes of Nebraska; to provide for a specialized telecommunications equipment program; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Chambers
Coordsen
Cudaback
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 14:

Bohlke
Brown
Crosby
Day
Dierks
Engel
Hall
Hillman
Lynch
Pedersen
Pirsch
Schrock
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 146A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 146, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Chambers
Coordsen
Cudaback
Elmer
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 12:

Bohlke
Brown
Crosby
Day
Dierks
Engel
Hall
Pedersen
Pirsch
Schrock
Wehrbein
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 385.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,133, Reissue Revised Statutes of Nebraska, and sections 25-21,247, 28-101, and 44-112.01, Revised Statutes Supplement, 1994; to adopt the Insurance Fraud Act; to provide criminal penalties for insurance fraud; to create a division within the Department of Insurance; to change and eliminate provisions relating to insurance fraud; to repeal the original sections; and to outright repeal sections 44-391 and 44-3,132, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr

Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Bohlke
Brown
Day
Dierks
Hall
Pirsch
Schrock
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 514.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-330, 32-938, and 32-947, Revised Statutes Supplement, 1994; to provide for confidentiality of voter registration records as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 8:

Bohlke
Brown
Day
Dierks
Hall
Pirsch
Schrock
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT ROBAK PRESIDING

MOTION - Return LB 889 to Select File

Mr. Chambers moved to return LB 889 to Select File for the following specific amendment:
FA190
Strike enacting clause.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 889. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to provide for a deficit appropriation; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Avery
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Bernard-Stevens
Bromm
Fisher
Pedersen
Robinson

Excused and not voting, 5:

Dierks	Hall	Landis	Pirsch	Schrock

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion No. 95035

DATE: May 3, 1995

SUBJECT: Liability of Local Foster Care Review Board Members Regarding Placements.

REQUESTED BY: Senator Michael T. Avery
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
John R. Thompson,
Senior Assistant Attorney General

Dear Senator Avery:

In your April 27, 1995 letter you enclosed two prior opinion letters written to Ms. Carol Stitt, Executive Director, State Foster Care Review Board, one dated September 24, 1984 and the other dated April 23, 1986. You have asked that we review those two prior Opinions and advise you whether they need to be changed at this time since you have pending as your priority bill LB 642 which transfers some review functions from the Department of Social Services to the Foster Care Review Board.

We understand from reviewing the bill, the Committee statement, and the fiscal statement, that under LB 642 either the State Foster Care Review Board or one of the local foster care review boards established and appointed by the State Board will be conducting reviews now conducted by the Department of Social Services. We understand that in the process the State Foster Care Review Board will establish 26 new local boards.

We have reviewed both of the above Opinions and submit that they accurately reflect our current opinion with respect to the questions raised in those Opinions.

While the liability principles will remain the same, there may be additional liability exposure for the State since 26 new local foster care review boards will be established under LB 642. The additional exposure may depend in part on the nature and extent of the supervision of the local boards and their activities by the State Foster Care Review Board.

Please let us know if you need anything further.

Very truly yours,
Don Stenberg
Attorney General
(Signed) John R. Thompson
Senior Assistant Attorney General

4-632-7.12

MOTION - Reconsider Action on LB 609

Mr. Bernard-Stevens moved to reconsider the vote on final passage of LB 609.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Jones asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

AM1976

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 84-905.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-905.01. A copy of each amendment, ~~or~~ rule, or regulation to be adopted under the Administrative Procedure Act, prior to the date of filing with the Secretary of State, shall be submitted to the Attorney General for (1) his or her consideration as to the statutory authority and constitutionality of such amendment, ~~or~~ rule, or regulation, including whether such amendment, rule, or regulation may constitute the taking of property without just compensation to the owner and (2) his or her approval or disapproval thereof, including a determination as to whether or not the amendment, rule, or regulation submitted is substantially different from the published proposed amendment, rule, or regulation. If the amendment, ~~or~~ rule, or regulation to be filed is approved as to ~~legality~~ the considerations listed in this section by the Attorney General, he or she shall so indicate with his or her stamp of approval which shall be dated and signed.

Sec. 2. If the Attorney General determines, in the course of the review required by section 84-905.01, that the amendment, rule, or regulation may constitute a taking of property, the Attorney General shall advise the Governor and the director of the agency or department which promulgated the amendment, rule, or regulation of the state's potential liability. The advice from the Attorney General to the Governor or director of the agency or department shall not be public information but shall be privileged as between an attorney and a client pursuant to section 27-503 and shall not be subject to discovery in legal proceedings. Sec. 3. Original section 84-905.01, Reissue Revised Statutes of Nebraska, is repealed.".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 303, 146, 146A, 385, 514, and 889.

SELECT FILE

LEGISLATIVE BILL 168. E & R amendment, AM7105, found in the Journal on page 1609, was adopted.

Mr. Chambers renewed his pending amendment, FA104, found in the Journal on page 1400.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA191
Amend Chambers FA104:
After "department" insert "or agency"

Messrs. Robinson, Lynch, Janssen, Kristensen, Jensen, Mmes. Hudkins, Brown, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers
Crosby
Lindsay
Preister
Wesely
Will

Voting in the negative, 20:

Abboud
Avery
Brashear
Bromm
Coordsen
Engel
Fisher
Hillman
Jones
Matzke
Pedersen
Pirsch
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 11:

Bernard-Stevens
Beutler
Bohlke
Cudaback
Elmer
Hartnett
Maurstad
McKenzie
Schimek
Wehrbein
Withem

Absent and not voting, 1:

Robak

Excused and not voting, 11:

Brown
Day
Dierks
Hall
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Robinson

The Chambers amendment lost with 6 ayes, 20 nays, 11 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to his pending amendment:
FA192

Amend Chambers FA104:

Add the following sentence:

"A detailed narrative explaining such potential impact shall be prepared and maintained by the agency and shall be available for public inspection and copying during regular business hours."

Messrs. Elmer, Fisher, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved to bracket LB 168 to January 10, 1996.

The Bromm motion to bracket prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 425. E & R amendment, AM7107, found in the Journal on page 1585, was adopted.

Messrs. Wickersham and Engel renewed their pending amendment, AM1738, found in the Journal on page 1791.

SPEAKER WITHEM PRESIDING

Mmes. Robak and Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 592. Placed on Select File as amended.
(E & R amendment, AM7139, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 592A. Placed on Select File.

LEGISLATIVE BILL 106. Placed on Select File as amended.
E & R amendment to LB 106:
AM7140

1. On page 2, line 11, strike the colon and insert an underscored semicolon.

2. On page 5, line 23, strike "The", show as stricken, and insert "(i) Before January 1, 1997, the"; in line 24 strike "or motorboat" and show as stricken; in line 25 strike "or motorboat,", show as stricken, and insert an underscored comma; in line 26 strike "or motorboat;", show as stricken, and insert "; and"; and after line 26 insert the following new subdivision:

"(ii) On and after January 1, 1997, the amount of any rebate granted by a motor vehicle or motorboat manufacturer or dealer at the time of sale of the motor vehicle or motorboat, which rebate functions as a discount from the sales price of the motor vehicle or motorboat;".

3. On page 6, line 9, strike "The", show as stricken, and insert "(i) Before January 1, 1997, the" and strike "or motorboat" and show as stricken; in line 11 strike "or motorboat;", show as stricken, and insert "; and"; and after line 11 insert the following new subdivision:

"(ii) On and after January 1, 1997, the value of a motor vehicle or motorboat taken by any person in trade as all or a part of the consideration for a sale of another motor vehicle or motorboat;".

(Signed) David I. Maurstad, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1995, at 10:45 a.m., were the following bills: 303, 146, 146A, 385, 514, and 889.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 856.

Enrollment and Review Change to LB 856

The following changes, required to be reported for publication in the Journal, have been made:
ER9070

1. On page 1, line 2, "section 81-2704" has been struck and "sections 81-2704, 81-2706, and 81-2707" inserted; in line 3 "and findings" has been inserted after "reports"; in line 4 "to provide for hearings; to change provisions relating to certain personnel actions;" has been inserted after the semicolon; and in line 5 "section" has been struck and "sections" inserted.
2. On page 3, line 11, "to" has been inserted after the comma.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie and Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

(Amendment, AM1971, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1902

(Amendments to E & R amendment, AM7063)

1. On page 2, line 15, after "shall" insert "not"; and strike beginning with "but" in line 14 through "pregnancy" in line 15.

2. On page 3, after line 12 insert the following new subsection:

"(4) Notwithstanding subsection (2) of this section, (a) commencing July 1, 1995, through June 30, 1996, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy and (b) commencing July 1, 1996, through April 30, 1997, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last two months of pregnancy".

Messrs. Elmer and Bromm asked unanimous consent to print the following amendment to LB 871 in the Journal. No objections. So ordered.

AM1967

(Amendments to Standing Committee amendments, AM1200)

1. Insert the following new sections:

"Section 1. Section 13-515, Revised Statutes Supplement, 1994, is amended to read:

13-515. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, ~~or~~ to any agency created pursuant to sections 18-2426 to 18-2434, or to any district organized under sections 46-101 to 46-1,163.

Sec. 3. Section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for ~~all~~ (a) water wells other than test holes and dewatering wells with intended use of ninety days or less shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well and (b) replacement water wells shall be filed with the department at the same time as the notice of abandonment of the water well being replaced as required by subsection (2) of this section. Registration shall be on a form provided by the Director of Water Resources. The form shall contain ~~(a)~~ (i) the name, address, and signature of the owner, ~~(b)~~ (ii) the legal description of the water well, ~~(c)~~ (iii) the date drilling commenced and the date construction was completed, ~~(d)~~ (iv) the intended use of the water well, ~~(e)~~ (v) the description and depth of geologic materials encountered, ~~(f)~~ (vi) the depth and diameter or dimension of the constructed water well and test hole, ~~(g)~~ (vii) the depth and diameter or dimension of the excavated hole if applicable, ~~(h)~~ (viii) the depth of the formation stabilizer or gravel pack and size of particles if used, ~~(i)~~ (ix) the depth and thickness of grout or other sealing materials if applicable, ~~(j)~~ (x) casing information, including length, inside diameter, wall thickness, and type of material if applicable, ~~(k)~~ (xi) the static water level, ~~(l)~~ (xii) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, ~~(m)~~ (xiii) the yield of the water well in gallons per minute if applicable, ~~(n)~~ (xiv) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, ~~(o)~~ (xv) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, ~~(p)~~ (xvi) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, ~~(q)~~ (xvii) the signature of the water well contractor, ~~(r)~~ (xviii) when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and ~~(s)~~ (xix) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced.

(4) For purposes of water well registration under this

section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 8. Sections 3 and 9 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 9. Original section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is repealed.".

2. On page 2, line 4, strike "limitation of subdivision (5)(b) of" and insert "geographical limitation found in the definition of replacement water well in".

3. On page 3, line 6, after "not" insert "conduct any proceeding on any application and shall not"; strike beginning with "appropriations" in line 11 through "applications" in line 13 and insert "(a) appropriations for flood control or sediment control structures which will not make or cause to be made any consumptive use of the impounded water, (b) applications"; and in line 15 after the second "or" insert "(c)".

4. On page 5, line 20, strike "section" and insert "sections 13-515 and".

5. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 104. Introduced by Jones, 43; Wickersham, 49; Bromm, 23.

WHEREAS, the Legislature recognizes that state agencies have the authority to adopt and change rules and regulations pursuant to broad statutory authority; and

WHEREAS, the Legislature recognizes that rules and regulations may result in unintentional consequences and that these consequences may negatively impact the use of an individual's property and may result in a diminished value of that property; and

WHEREAS, the Legislature recognizes that most individuals do not have the financial resources to undertake a court challenge to rules and regulations that impose on the right to own and use their property; and

WHEREAS, existing law, section 84-907, requires "a description but not necessarily a quantification of the fiscal impact on state agencies, political subdivisions, and persons being regulated" as a part of the notice requirement; and

WHEREAS, there is no specific statutory requirement that state agencies compensate property owners for loss of use or value as a result of rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That state departments and agencies should review the amending, drafting, or repealing of rules and regulations in a manner which is sensitive to the taking of an individual's property.

2. That when amending, drafting, or repealing rules and regulations, a state department or agency shall note if its actions could possibly be a taking of property and a description of the affected property.

3. That the state department or agency shall have this information available to the public prior to the final hearing on the rule or regulation.

4. That a copy of this resolution be sent to the Governor and each state agency that promulgates rules and regulations.

Laid over.

LEGISLATIVE RESOLUTION 105. Introduced by Witek, 31; Pirsch, 10; Chambers, 11; Bohlke, 33; Wickersham, 49; Preister, 5; Wehrbein, 2; Brashear, 4; Robak, 22; Stuhr, 24; Engel, 17; Abboud, 12; Cudaback, 36; Schimek, 27; Schellpeper, 18; Coordsen, 32; Maurstad, 30; Will, 8; Lindsay, 9; Dierks, 40; Schmitt, 41; Jones, 43; Day, 19; Crosby, 29; Pedersen, 39; Jensen, 20.

WHEREAS, one hundred years ago, Clara Cressingham, Carrie C. Holly, and Frances S. Klock became the first women to serve as legislators, being elected by the people of Colorado; and

WHEREAS, seventy years ago, Mabel Gillespie, Clara Humphrey, and Sara Theodosia Muir became the first women to serve as legislators in the State of Nebraska; and

WHEREAS, these three women were elected to represent the people of Nebraska fifteen years after women's suffrage in the United States; and

WHEREAS, since this historical event, many other women legislators have served their state with diligence and enthusiasm; and

WHEREAS, since 1925, Nebraska women legislators have employed their knowledge, expertise, and wise leadership to carry Nebraska into the twenty-first century;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That in recognition of the one hundredth year of women in state legislatures, the Legislature extends its congratulations and sincerest appreciation to all women legislators who have represented and are currently representing and promoting the "Good Life" of Nebraska for their outstanding contributions and accomplishments.

2. That a copy of this resolution be transmitted to the National Foundation for Women Legislators, Incorporated.

Laid over.

ANNOUNCEMENT

Mr. Lindsay announced that the Judiciary Committee will hold an executive session upon adjournment on May 5, 1995, in Room 1113, regarding LB 371.

VISITORS

Visitors to the Chamber were four second through fourth grade students and teacher from Spring Lake District 166, Gordon; 30 first through twelfth grade students and teacher from Zion Christian Academy and High School, Omaha; Jennifer Griffin from Hastings; 50 fourth grade students and teachers from Willard Elementary, York; 60 fourth grade students and teachers from Jefferson Elementary, Omaha; and 75 fourth grade students and teachers from Newell Elementary, Grand Island.

RECESS

At 11:57 a.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Chambers, Cudaback, Dierks, Elmer, Hall, Landis, Preister, Will, Ms. Day, Mmes. Hillman, Hudkins, McKenzie, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Kristensen, and Hall asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1963

(Amendments to E & R amendments, AM7120)

1. Insert the following new section:

"Sec. 13. When the commission staff completes its representation of a client, the chief counsel shall make a showing to the district court for the county in which the prosecution arose regarding the commission's actual cost of defense. The showing shall be based upon (1) the actual time spent by commission staff attorneys and their hourly rates of pay, including benefits, (2) a reasonable amount for administrative and support staff time, (3) the actual expenditures for litigation support, such as expert witnesses and depositions, and (4) a reasonable amount for office overhead, including rent, telephone, utilities, and photocopying. After a hearing, the district court shall order the county to pay one-third of the commission's actual cost of defense. The county shall remit the amount to the State Treasurer for credit to the County Revenue Assistance Fund.".

2. On page 2, line 12, before the period insert "and amounts remitted pursuant to section 13 of this act".

3. On page 4, strike lines 26 and 27.

4. On page 5, strike lines 1 and 2; in line 3 strike "(5)" and insert "(3)"; in line 7 strike "(6)"and insert "(4)"; in line 11, strike "(7)" and insert "(5)"; strike beginning with line 13 through the semicolon in line 15; and in line 16 strike "(9)" and insert "(6)".

5. On page 6, line 2, after "The" insert "primary duties of the chief counsel shall be to provide direct legal services to indigent defendants, and the"; in line 6 after "budget" insert "and disburse funds"; strike lines 12 through 17; in line 18 strike "(6)" and insert "(4)" and after "Convene" insert "or contract for"; strike line 19 and insert "criminal defense;"; in line 20 strike "(7)" and insert "(5)"; strike beginning with "related" in line 20 through "systems" in line 21; in line 22 strike "(8)" and insert "(6)"; and in line 24 strike "(9)" and insert "(7)"; and in line 26 strike "(10)" and insert "(8)".

6. On page 7, strike lines 2 through 4; in line 5 strike "(12)" and insert "(9)"; in line 7 strike "(13)" and insert "(10)"; in line 10 strike "(14)" and insert "(11)".

GENERAL FILE

LEGISLATIVE BILL 389. Title read. Considered.

Standing Committee amendment, AM1755, printed separately from the Journal and referred to on page 1883, was considered.

Messrs. Abboud and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendment, AM1758, found in the Journal on page 1883, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Messrs. Schrock and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendment, AM1756, printed separately from the Journal and referred to on page 1885, was considered.

Mr. Beutler renewed his pending amendment, AM1896, found in the Journal on page 1954, to the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment

Mr. Vrtiska requested the vote be taken in reverse order.

Voting in the affirmative, 20:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Chambers
Crosby
Fisher
Hall
Hartnett
Jensen
Landis
Lindsay
Matzke
Pirsch
Preister
Robak
Schimek
Wesely
Will

Voting in the negative, 22:

Brashear
Brown
Coordsen
Cudaback
Day
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Maurstad
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 2:

Elmer
McKenzie

Absent and not voting, 1:

Lynch

Excused and not voting, 4:

Bromm Dierks Pedersen Withem

The Beutler amendment lost with 20 ayes, 22 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 286. Placed on Select File.
LEGISLATIVE BILL 579. Placed on Select File.

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendment to LB 564:
AM7142

1. On page 1, line 7, after the semicolon insert "to redefine terms; to change a penalty provision;" and in line 8, after the semicolon insert "to provide an operative date;".

2. On page 9, line 4, strike "means" and insert "mean".

3. On page 13, line 25, strike the underscored period and insert an underscored colon.

4. On page 14, line 22, strike the third comma and show as stricken.

5. On page 16, line 18, after "business" insert an underscored comma; and in line 19 after "licensee" insert an underscored comma.

6. On page 20, line 2, after "in" insert "the".

7. On page 24, line 9, after "advertise" insert "the".

8. On page 28, line 16, after "subdivision" insert an underscored comma.

LEGISLATIVE BILL 616. Placed on Select File as amended.
E & R amendment to LB 616:
AM7141

1. On page 1, line 1, strike "section" and insert "sections 44-4820, 44-4828, and"; in line 3 strike "reinsurance and setoffs" and insert "the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act" and strike "an"; and in line 4

strike "date" and insert "dates", strike "and", and strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 696. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 860 in the Journal. No objections. So ordered.

AM1998

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 9-812, Revised Statutes Supplement, 1994, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste

Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement.

Beginning with fiscal year 1997-98 through fiscal year 1999-2000, two million five hundred thousand dollars of the money allocated to the Education Innovation Fund shall be allocated each fiscal year to the School Technology Fund and shall be distributed pursuant to section 2 of this act.

The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom; and

(p) Approved programs or services under sections 79-4001 to 79-4004.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Any money in the State Lottery Operation Revolving Fund on April 20, 1994, shall be transferred to the State Lottery Operation Cash Fund on such date.~~

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and

regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 2. It is the intent of the Legislature that by June 30, 2000, all kindergarten through grade twelve public school districts or affiliated school systems shall have a direct connection to a statewide public computer information network.

The School Technology Fund is created. The fund shall consist of the money allocated to the fund pursuant to section 9-812 and appropriations made by the Legislature which are received as gifts or grants. The State Board of Education shall authorize the disbursement of the fund as provided in this section. The first priority for the disbursement of the School Technology Fund is the direct connection of each kindergarten through grade twelve public school district or affiliated school system to a statewide public computer information network. Subsequent priorities for disbursement may include, but are not limited to, development of networking capabilities within a district or system, the purchase or installation of equipment, or other telecomputing needs as determined by the State Board of Education. Funds shall be distributed to school districts and affiliated school systems each fiscal year in the same manner as provided in sections 79-3806 to 79-3813. The State Board of Education shall adopt and promulgate rules and regulations to carry out the provisions of this section. Any money in the School Technology Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original section 9-812, Revised Statutes Supplement, 1994, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 2; and strike beginning with "to" in line 7 through line 9 and insert "and to repeal the original section.".

GENERAL FILE

LEGISLATIVE BILL 392. Title read. Considered.

Standing Committee amendment, AM1754, printed separately from the Journal and referred to on page 1886, was considered.

Mr. Wehrbein renewed his pending amendment, AM1906, found in the Journal on page 1923, to the Standing Committee amendment.

The Wehrbein amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Avery offered the following amendment to the Standing Committee amendment:

AM1983

(Amendments to Standing Committee amendments, AM1754)

1. On page 82, line 17, strike "25,556,640 25,489,219" and insert "24,989,874 24,460,686"; and in line 21 strike "50,713,947 51,343,472" and insert "50,147,181 50,314,939".

2. On page 84, strike lines 5 through 19.

3. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "302,663,542 298,574,652"; and strike lines 26 and 27.

4. On pages 86 and 87, strike lines 1 through 27.

5. On page 88, strike lines 1 through 4.

6. On page 89, strike lines 9 through 24.

7. On page 90, strike lines 5 through 20.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

The Chair declared the call raised.

Mrs. Witek requested a record vote on the Avery amendment.

Voting in the affirmative, 17:

Abboud
Avery
Bromm
Coordsen
Fisher
Hudkins
Janssen
Jensen
Jones
Lindsay
Pedersen
Pirsch
Robinson
Schmitt
Vrtiska
Will
Witek

Voting in the negative, 23:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Engel
Hillman
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Preister
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 6:

Chambers
Elmer
Hall
Hartnett
Robak
Schellpeper

Excused and not voting, 3:

Dierks Landis Withem

The Avery amendment lost with 17 ayes, 23 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Vrtiska offered the following amendment to the Standing Committee amendment:
AM1956

(Amendments to Standing Committee amendments, AM1754)

1. On page 67, line 22, strike "4,370,217 4,394,708" and insert "4,310,217 4,334,708"; in line 24 strike "12,111,749 12,045,618" and insert "12,051,749 11,985,618"; and in line 27 strike "$75,000" and insert "$15,000".

2. On page 68, line 3, strike "$75,000" and insert "$15,000".

The Vrtiska amendment lost with 12 ayes, 18 nays, 16 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Bernard-Stevens moved to indefinitely postpone LB 392.

Mrs. Pirsch and Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 393. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 395. Title read. Considered.

Standing Committee amendment, AM1795, found in the Journal on page 1886, was considered.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 281. Title read. Considered.

Standing Committee amendment, AM1759, found in the Journal on page 1888, was considered.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

May 4, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 889 was received in my office on May 4, 1995.

This bill was signed by me on May 4, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 256. Placed on General File as amended.
Standing Committee amendment to LB 256:
AM1990

1. On page 2, line 18, after the period insert "Any examination conducted pursuant to this section shall be completed within six months from the date of the order requiring the examination.".

LEGISLATIVE RESOLUTION 52. Reported to the Legislature for further consideration.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1901

(Amendments to E & R amendments, AM7123)

1. On page 2, line 15, after "shall" insert "not".

2. On page 3, line 10, strike "December 1, 1992", show as stricken, and insert "July 1, 1995" and strike "1995", show as stricken, and insert "1996"; and in line 13 after "pregnancy" insert "and commencing July 1, 1996, through April 30, 1997, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last two months of pregnancy".

Mr. Preister asked unanimous consent to print the following amendment to LB 140 in the Journal. No objections. So ordered.

AM1995

1. Strike section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 18-2115, Reissue Revised Statutes of Nebraska, is amended to read:

18-2115. (1) The governing body of the city shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the authority, after reasonable public notice thereof by publication at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community, the time of the hearing to be at least ten days from the last publication. The notice shall describe the time, date, place, and purpose of the hearing and shall ~~also generally~~ specifically identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views respecting the proposed redevelopment plan.

(2) Except as provided in subsection (3) of this section, the governing body of the city or such other division of the city or person as the governing body shall designate shall, at least ten days prior to the public hearing required by subsection (1) of this section, mail notice of the hearing by first-class United States mail, postage prepaid, or by certified mail to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be

redeveloped. The notice shall set out the time, date, place, and purpose of the hearing and shall include a map of sufficient size to show the area to be redeveloped.

(3) If the planning board or planning commission of the city will conduct a public hearing on the redevelopment plan or substantial modification thereof, the governing body of the city or such other division of the city or person as the governing body shall designate shall, at least ten days prior to the public hearing, mail notice of the hearing by first-class United States mail, postage prepaid, or by certified mail to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be redeveloped. The notice shall set out the time, date, place, and purpose of the hearing and shall include a map of sufficient size to show the area to be redeveloped. If the registered neighborhood association has been given notice of the public hearing to be held by the planning board or planning commission in conformity with the provisions of this subsection, the governing body or its designee shall not be required to comply with the notice requirements of subsection (2) of this section.

(4) Each neighborhood association desiring to receive notice of any hearing as provided in this section shall register with the city's planning department or, if there is no planning department, with the city clerk. The registration shall include a description of the area of representation of the association and the name and address of the individual designated by the association to receive the notice on its behalf. Registration of the neighborhood association for the purposes of this section shall be accomplished in accordance with such other rules and regulations as may be adopted and promulgated by the city.".

Messrs. Elmer and Bromm asked unanimous consent to print the following amendment to LB 871 in the Journal. No objections. So ordered.

AM1997

(Amendments to Standing Committee amendments, AM1200)

1. Insert the following new sections:

"Section 1. Section 13-515, Revised Statutes Supplement, 1994, is amended to read:

13-515. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, ~~or~~ to any agency created pursuant to sections 18-2426 to 18-2434, or to any district organized under sections 46-101 to 46-1,163.

Sec. 3. Section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for ~~all~~ (a) water wells other than test holes and dewatering wells with intended use of ninety days or less shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well and (b) replacement water wells shall be filed with the department at the same time as the notice of abandonment of the water well being replaced as required by subsection (2) of this section. Registration shall be on a form provided by the Director of Water Resources. The form shall contain ~~(a)~~ (i) the name, address, and signature of the owner, ~~(b)~~ (ii) the legal description of the water well, ~~(c)~~ (iii) the date drilling commenced and the date construction was completed, ~~(d)~~ (iv) the intended use of the water well, ~~(e)~~ (v) the description and depth of geologic materials encountered, ~~(f)~~ (vi) the depth and diameter or dimension of the constructed water well and test hole, ~~(g)~~ (vii) the depth and diameter or dimension of the excavated hole if applicable, ~~(h)~~ (viii) the depth of the formation stabilizer or gravel pack and size of particles if used, ~~(i)~~ (ix) the depth and thickness of grout or other sealing materials if applicable, ~~(j)~~ (x) casing information, including length, inside diameter, wall thickness, and type of material if applicable, ~~(k)~~ (xi) the static water level, ~~(l)~~ (xii) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, ~~(m)~~ (xiii) the yield of the water well in gallons per minute if applicable, ~~(n)~~ (xiv) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, ~~(o)~~ (xv) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, ~~(p)~~ (xvi) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, ~~(q)~~ (xvii) the signature of the water well contractor, ~~(r)~~ (xviii) when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and ~~(s)~~ (xix) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced.

(4) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 8. Sections 3 and 9 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 9. Original section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is repealed.".

2. On page 2, line 4, strike "limitation of subdivision (5)(b) of" and insert "geographical limitation found in the definition of replacement water well in".

3. On page 3, line 6, after "not" insert "conduct any evidentiary hearing on any application and shall not"; strike beginning with "appropriations" in line 11 through "applications" in line 13 and insert "(a) appropriations for flood control or sediment control structures which will not make or cause to be made any consumptive use of the impounded water, (b) applications"; and

in line 15 after the second "or" insert "(c)".

4. On page 5, line 20, strike "section" and insert "sections 13-515 and".

5. Renumber the remaining sections accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1984

(Amendments to Standing Committee amendments, AM1754)

1. On page 82, line 17, strike "25,556,640 25,489,219" and insert "25,115,629 24,721,628"; and in line 21 strike "50,713,947 51,343,472" and insert "50,272,936 50,575,881".

2. On page 84, strike lines 5 through 19.

3. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "302,663,542 298,574,652"; and strike lines 26 and 27.

4. On pages 86 and 87, strike lines 1 through 27.

5. On page 88, strike lines 1 through 4.

6. On page 89, strike lines 9 through 24.

7. On page 90, strike lines 5 through 20.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1999

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: Add $100,000 General Funds in 1995-96 and $100,000 General Funds in 1996-97 for State Department of Education policy studies.

AMENDMENT:

1. On page 15, line 4, strike "551,150,898" and insert "551,250,898" and strike "585,490,255" and insert "585,590,255"; and in line 8 strike "689,623,514" and insert "689,723,514" and strike "729,771,766" and insert "729,871,766".

2. On page 17, after line 16 insert:

There is included in the appropriation to this program $100,000 General Funds for FY1995-96 and $100,000 General Funds for FY1996-97 which shall only be used to conduct policy studies.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1987

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: To add $25,000 General Funds in each fiscal year for state aid, for Nebraska Advocacy Services to fund a Citizen Advocacy Office in North Platte.

AMENDMENT:

1. On page 33, line 20, strike "1,693,965 1,693,965" and insert "1,718,965 1,718,965"; and in line 23 strike "33,163,284 33,163,284" and insert "33,188,284 33,188,284"; and in line 25 strike "$1,693,965" and insert "$1,718,965".

2. On page 34, line 1, strike "$1,693,965" and insert "$1,718,965".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

FA193

Strike the $2,000 pay increase for the exec. director of the foster care review - Agency 70

VISITORS

Visitors to the Chamber were 25 sixth through eighth grade students and sponsor from Stanton County Rural School; 45 fourth grade students and teachers from Geneva District 75; 25 Girl Scouts and sponsor from St. Roberts, Omaha; eighth grade students and teacher from Assumption, Omaha; Jeff Flores and Bob Wesphal from Omaha; and Dee Kucera from Columbus.

MOTION - Adjournment

Mr. Robinson moved to adjourn. The motion prevailed with 23 ayes, 7 nays, and 19 not voting, and at 5:11 p.m., the Legislature adjourned until 8:30 a.m., Friday, May 5, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FOURTH DAY - MAY 5, 1995

LEGISLATIVE JOURNAL

SEVENTY-FOURTH DAY - MAY 5, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 5, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Wayne Schreurs, Conastoga Parish of the Methodist Church.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Abboud, Beutler, Bromm, Chambers, Elmer, Engel, Hall, Landis, Lindsay, Matzke, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, Brown, McKenzie, Robak, Stuhr, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendment, AM1001, found in the Journal on page 1244, was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

LEGISLATIVE BILL 732. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Standing Committee amendment, AM0423, found in the Journal on page 1076, was considered.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 729. Advanced to E & R for engrossment.

LEGISLATIVE BILL 567. E & R amendment, AM7132, found in the Journal on page 1859, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 762. Mr. Elmer offered the following amendment:
AM2007

1. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 9-647, Reissue Revised Statutes of Nebraska, is amended to read:

9-647. No lottery shall be conducted between the hours of 1 a.m. and 6 a.m., except that a lottery defined pursuant to subdivision (1)(c)(ii) of section 9-607 may be conducted twenty-four hours a day twice a week with the authorization of the governing board of a county, city, or village.

Sec. 3. Original section 9-647, Reissue Revised Statutes of Nebraska, and section 9-340, Revised Statutes Supplement, 1994, are repealed.".

PRESIDENT ROBAK PRESIDING

The Elmer amendment lost with 7 ayes, 18 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 473. E & R amendment, AM7131, found in the Journal on page 1893, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 535. Mr. Schellpeper renewed his pending amendment, AM1826, found in the Journal on page 1862.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 281. The pending Standing Committee amendment, AM1759, found in the Journal on page 1888 and considered on page 1995, was renewed.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Wehrbein requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 22:

Bernard-Stevens
Beutler
Brashear
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Landis
Lynch
Matzke
Maurstad
Preister
Schellpeper
Schimek
Schrock
Stuhr
Wehrbein
Wesely

Voting in the negative, 19:

Avery
Bohlke
Bromm
Coordsen
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
McKenzie
Pedersen
Pirsch
Robinson
Schmitt
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 2:

Chambers
Withem

Excused and not voting, 6:

Abboud	Hartnett	Lindsay	Robak	Will
Hall				

The Standing Committee amendment lost with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to bracket LB 281. No objections. So ordered.

ANNOUNCEMENT

The Chair announced yesterday was Mrs. Robak's birthday.

GENERAL FILE

LEGISLATIVE BILL 241. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Bohlke renewed her pending amendment, AM0260, found in the Journal on page 776.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Standing Committee amendment, AM1422, printed separately from the Journal and referred to on page 1528, was considered.

MRS. CROSBY PRESIDING

Mrs. Hudkins renewed her pending amendment, AM1774, found in the Journal on page 1832, to the Standing Committee amendment.

Messrs. Withem and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hudkins amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Preister asked unanimous consent to replace his pending amendment, AM1970, found in the Journal on page 1963, with a substitute amendment. No objections. So ordered.

Mr. Preister withdrew his amendment, AM1970, found in the Journal on page 1963.

Mr. Preister offered the following substitute amendment to the Standing Committee amendment:
AM2014

(Amendments to AM1774)

1. On page 10, line 27, after "hearing" insert "at least once a week for two consecutive weeks".

2. On page 11, strike beginning with "The" in line 2 through the period in line 3 and insert "The time of the hearing shall be at least ten days after the last publication. The commission shall mail the notice by first-class mail, postage prepaid, or certified mail, to all the landowners adjoining the proposed controlled shooting area.".

3. On page 12, line 12, strike "may", show as stricken, and insert "shall"; and in line 14 strike beginning with "may" through the second comma, show the old matter as stricken, and insert "shall".

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. BERNARD-STEVENS PRESIDING

The Preister amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Mr. Preister renewed his pending amendment, AM1949, found in the Journal on page 1964, to the Standing Committee amendment.

Messrs. Jones, Brashear, Engel, Maurstad, Mmes. Brown, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister withdrew his amendment.

Pending.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 325. Placed on General File.
LEGISLATIVE BILL 33. Placed on General File.
LEGISLATIVE BILL 311. Placed on General File.
LEGISLATIVE BILL 89. Placed on General File.

LEGISLATIVE BILL 580. Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 89A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Ninety-fourth Legislature, First Session, 1995.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 4, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Assam, Fred - Sioux Falls, SD	Santee Sioux of Nebraska

COMMUNICATION

May 5, 1995

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, specifically Rule 6, Sec. 11(b), I am forwarding LB 65 for deposit in your office. Legislative rules require me to deliver same to your office on the sixth legislative day following the receipt of a veto message when no motion to override has been offered.

Call with any questions you might have.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1992

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: This amendment will reduce the General Fund appropriation to the Juvenile Services Division of the Department of Correctional Services by $61,050 each year and will eliminate the per diem contingency fund in the Juvenile Services Division.

AMENDMENT:

1. On page 74, line 2, strike "10,164,200 7,803,030" and insert "10,103,150 7,741,980"; in line 5 strike "12,472,395 10,115,957" and insert "12,411,345 10,054,907"; and in line 25 strike "Juvenile Services Contingency Fund and a".

Mr. Avery asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1994

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: This amendment will reduce the General Fund appropriation to the Adult Services Division of the Department of Correctional Services by $33,000 the first year and $18,000 the second year, will reduce the General Fund appropriation to the Juvenile Services Division of the Department of Correctional Services by $15,000 each year, and will eliminate the funding of the accreditation expenses for each division.

AMENDMENT:

1. On page 72, line 7, strike "59,357,059 59,616,794" and insert "59,324,059 59,598,794"; and in line 11 strike "66,075,014 66,415,059" and insert "66,042,014 66,397,059".

2. On page 74, line 2, strike "10,164,200 7,803,030" and insert "10,149,200 7,788,030"; and in line 5 strike "12,472,395 10,115,957" and insert "12,457,395 10,100,957".

UNANIMOUS CONSENT - Members Excused

Messrs. Janssen, Schmitt, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 209. Mr. Chambers offered the following amendment to the pending Standing Committee amendment:
FA194

Amend Committee Amends. (AM1422)
P. 6, line 13, put period after "cat" and strike remaining language.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Preister offered the following amendment to the Standing Committee amendment:
AM1946

(Amendments to AM1774)

1. On page 6, line 20, after the period insert "No game bird shall be marked by using tow clipping methods.".

Mr. Preister moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Preister amendment lost with 14 ayes, 16 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 7 present and not voting, and 13 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Schellpeper and Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA195

Add new section:

"Any packinghouse shall be deemed a controlled shooting area, and the owner of any packinghouse may, for a fee, permit any person to shoot or shoot at any of the four-footed animals on the premises. The Dept. of Economic Development shall promote this activity as a tourist attraction".

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Chambers
Hall
Schimek

Voting in the negative, 32:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hillman
Hudkins
Jensen
Jones
Kristensen
Lindsay
McKenzie
Pedersen
Pirsch
Preister
Robak
Schmitt
Schrock
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Present and not voting, 3:

Janssen
Matzke
Robinson

Excused and not voting, 11:

Brashear
Brown
Engel
Hartnett
Landis
Lynch
Maurstad
Schellpeper
Stuhr
Warner
Wesely

The Chambers amendment lost with 3 ayes, 32 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendment to LB 389:
AM7145

1. In the Standing Committee amendments, AM1755:

a. On page 33, line 6, strike "123" and insert "122"; and

b. On page 47, line 5, strike "164 and 165" and insert "167 and 168"; in line 6 strike "State Accounting Manual" and insert "Nebraska Accounting System Manual"; and in line 24 strike the comma.

LEGISLATIVE BILL 390. Placed on Select File as amended.
E & R amendment to LB 390:
AM7146

1. On page 3, strike line 6 and insert "Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS"; and in line 7 strike "State Accounting" and insert "Nebraska Accounting System".

2. On page 6, line 26, strike "appropriation" and insert "appropriations".

3. On page 11, line 6, after "$77,000" insert an underscored comma.

4. On page 28, line 5, strike "24,290,217" and insert "24,290,215".

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendment to LB 391:
AM7147

1. In the Standing Committee amendments, AM1756:

a. On page 5, line 21; and page 6, lines 10 and 27, after "Nebraska" insert a comma;

b. On page 10, line 7, strike "Agricultural" and insert "Agriculture".

2. On page 5, lines 2 and 9, strike "Veteran's" and insert "Veterans'".

3. On page 25, line 23, strike "At" and insert "at".

4. On page 27, line 13, strike "Nebraska-Omaha" and insert "Nebraska at Omaha campus".

5. On page 32, line 11, before "State" insert "Nebraska".

LEGISLATIVE BILL 392. Placed on Select File as amended.
E & R amendment to LB 392:
AM7144

1. Strike original section 244 and insert the following new section:

"Sec. 257. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. In the Standing Committee amendments, AM1754:

a. On page 18, lines 17 and 22, after "five" insert "years"; and

b. On page 92, line 7, strike "State Accounting Manual" and insert "Nebraska Accounting System Manual".

3. On page 3, line 6, strike "STATE ACCOUNTING MANUAL" and insert "NEBRASKA ACCOUNTING SYSTEM MANUAL"; in line 7 strike "State Accounting" and insert "Nebraska Accounting System"; in line 10 strike "151" and insert "164"; and in line 11 strike "241" and insert "254".

LEGISLATIVE BILL 393. Placed on Select File.

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:
AM7143

1. On page 1, line 1, strike "section" and insert "sections 81-1317, 81-1317.01, 81-1348, and"; in line 3 before "health" insert "employment and employee"; and in line 4 strike "section" and insert "sections".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 418. Title read. Considered.

Standing Committee amendment, AM0335, printed separately from the Journal and referred to on page 762, was considered.

Mrs. Robak and Mr. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Maurstad, Schellpeper, Kristensen, and Mrs. Hudkins renewed their pending amendment, AM1456, printed separately from the Journal and referred to on page 1582, to the Standing Committee amendment.

MR. BERNARD-STEVENS PRESIDING

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Maurstad et al. amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Pending.

MOTION - Place LB 719 on General File

Mr. Wehrbein renewed his pending motion, found in the Journal on page 1948, to place LB 719 on General File pursuant to Rule 3, Section 19.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Bernard-Stevens, Kristensen, and Maurstad asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein withdrew his motion to place LB 719 on General File.

UNANIMOUS CONSENT - Members Excused

Messrs. Robinson, Beutler, and Ms. Day asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 102. Read. Considered.

LEGISLATIVE RESOLUTION 103. Read. Considered

Pursuant to Rule 4, Section 5, LRs 102 and 103 were adopted with 16 ayes, 0 nays, and 33 not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie and Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

(Amendment, AM2032, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 106. Introduced by Hudkins, 21.

PURPOSE: The purpose of this resolution is to analyze the impact on the counties of paying for the maintenance and costs of individuals who have been found mentally incompetent to stand trial pursuant to Neb. Rev. Stat. section 29-1823 (Reissue 1989). The study shall include a review of the current statutory enactments governing the confinement of individuals found to be mentally incompetent to stand trial, the costs of such confinements, the duration of such confinements, and the locations of such confinements. The study shall also include a determination of whether or not the payment of such costs should be a state responsibility, a county responsibility, or a shared responsibility between the counties and the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 30 seventh and eighth grade students and teacher from Orchard; 60 senior citizens from Seward, York, and Polk counties; 25 students and ten sponsors from Oxford Elementary; seven students, teacher, and sponsors from Midlands III School, Omaha; 30 fifth and sixth grade students and sponsors from Chambers; Darwin and Eunice Edson from Gothenburg; 33 fourth, fifth, and sixth grade students and teacher from Hayes Center; 15 fourth grade students and teacher from Beaver City; 35 fourth, fifth, and sixth grade students and sponsor from Meridian Elementary, Daykin; Breeanna Tappe and Kendra King from Papillion; and Angie Brickson from Kansas City, Missouri.

The Doctor of the Day was Rob Wall from Bellevue.

ADJOURNMENT

At 2:33 p.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Monday, May 8, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FIFTH DAY - MAY 8, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 8, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Brashear who were excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Elmer, Hall, Landis, Lindsay, Pedersen, Warner, Will, Mrs. Bohlke, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 81. Reported to the Legislature for further consideration with the following amendment:
AM2019

1. Strike the fifth WHEREAS.
2. In the last line of the fourth WHEREAS, strike ";and" and insert a period.
3. In the fifth line of the third RESOLVED, strike the first comma and insert "and"; and in the fifth and last lines strike "and the United Nations".

(Signed) C. N. "Bud" Robinson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 490A in the Journal. No objections. So ordered.

AM2033

1. Insert the following new section:

"Sec. 3. It is the intent of the Legislature that the following salary grades be established for the commissioners of the Tax Equalization and Review Commission: Chairperson: Pay Plan G and V, Salary Grade 23; commissioner: Pay Plan G and V, Salary Grade 22.

The salary grades referred to in this section are those found in the "Classification and Pay Plan" published by the personnel division of the Department of Administrative Services.".

2. On page 2, line 1, strike "$221,301" and insert "$176,183"; in line 2 strike "$330,176" and insert "$243,940"; in line 9 strike "$126,401" and insert "$89,506" and strike "$249,501" and insert "$179,712".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 102 and 103.

GENERAL FILE

LEGISLATIVE BILL 646A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 658. Mrs. Pirsch renewed her pending amendment, AM1902, found in the Journal on page 1979.

Mr. Chambers offered the following amendment to the Pirsch pending amendment:

FA196

Amend Pirsch Amendment

P. 1 line 12, after "child" strike language through line 13 and insert "from the point when conception is determined medically.

Messrs. Wesely, Wehrbein, Kristensen, Bernard-Stevens, Lynch, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Avery	Crosby	Engel	Landis	Robak
Chambers	Dierks	Hartnett	Lindsay	Schimek

Voting in the negative, 24:

Bromm	Elmer	Jensen	Robinson	Wesely
Brown	Fisher	Jones	Schellpeper	Wickersham
Coordsen	Hillman	Matzke	Schrock	Witek
Cudaback	Hudkins	Maurstad	Vrtiska	Withem
Day	Janssen	Pirsch	Warner	

Present and not voting, 5:

McKenzie	Pedersen	Preister	Schmitt	Stuhr

Excused and not voting, 10:

Abboud	Beutler	Brashear	Kristensen	Wehrbein
Bernard-Stevens	Bohlke	Hall	Lynch	Will

The Chambers amendment lost with 10 ayes, 24 nays, 5 present and not voting, and 10 excused and not voting.

Pending.

POINT OF PERSONAL PRIVILEGE

Mr. Robinson rose to a point of personal privilege.

Mr. Chambers challenged Mr. Robinson's comments as to whether they were consistent with Rule 2, Section 11.

The Chair ruled the Robinson comments were not consistent with use of personal privilege as outlined in Rule 2, Section 11.

Mr. Robinson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair declared the call raised.

Messrs. Jones and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the Robinson motion to overrule the Chair.

Voting in the affirmative, 26:

Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hudkins
Janssen
Jensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Voting in the negative, 5:

Chambers
Hall
Landis
Robak
Wesely

Present and not voting, 8:

Avery
Hartnett
Hillman
Lindsay
Preister
Warner
Wickersham
Withem

Excused and not voting, 10:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Elmer
Jones
Kristensen
Lynch
Will

The Robinson motion to overrule the Chair prevailed with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

The Chair was overruled.

Mr. Robinson completed his point of personal privilege.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 658. Mr. Chambers offered the following amendment to the Pirsch pending amendment, AM1902:
FA197
Amend Pirsch Amendment

Line 7 strike 1996 and insert 2096; line 9, put period after "pregnancy".

Messrs. Landis, Wickersham, Pedersen, Maurstad, and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Bernard-Stevens
Bohlke
Chambers
Crosby
Dierks
Engel
Hall
Hartnett
Lindsay
Pedersen
Preister
Robak
Schimek

Voting in the negative, 19:

Brown
Coordsen
Cudaback
Elmer
Hillman
Hudkins
Janssen
Jensen
Matzke
Pirsch
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Present and not voting, 7:

Avery
Bromm
Day
Landis
McKenzie
Robinson
Schmitt

Excused and not voting, 10:

Abboud
Beutler
Brashear
Fisher
Jones
Kristensen
Lynch
Maurstad
Wickersham
Will

The Chambers amendment lost with 13 ayes, 19 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Vrtiska and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Pirsch pending amendment:
FA198
Amend Pirsch Amendment

Line 10, strike 1997 and insert 2097; line 12, strike "two" and insert "six".

Messrs. Elmer, Schrock, Cudaback, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers
Crosby
Hall
Hartnett
Lindsay
Preister
Robak

Voting in the negative, 24:

Abboud
Avery
Bernard-Stevens
Bohlke
Bromm
Coordsen
Day
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Matzke
Maurstad
Pirsch
Robinson
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 6:

Dierks
McKenzie
Pedersen
Schimek
Schmitt
Stuhr

Excused and not voting, 12:

Beutler
Brashear
Brown
Cudaback
Elmer
Fisher
Kristensen
Lynch
Schellpeper
Schrock
Vrtiska
Will

The Chambers amendment lost with 7 ayes, 24 nays, 6 present and not voting, and 12 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2042

1. Insert the following new section:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1994, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be eighty-eight thousand one hundred fifty-seven dollars and thirty cents. On July 1, 1995, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-one thousand six hundred eighty-three dollars and fifty-nine cents. On July 1, 1996, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-four thousand eight hundred ninety-two dollars and fifty-two cents. ~~sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 4. Sections 2, 3, and 6 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 5. Original section 24-201.01, Revised Statutes Supplement, 1994, is repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1549

1. Strike the sections and all amendments thereto and insert the following sections:

"Section 1. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, second, sixth, seventh, eighth, ninth, tenth, and eleventh districts there shall be three judges of the district court. ~~In the seventh, eighth, and tenth districts there shall be two judges of the district court.~~

Sec. 3. Original section 24-301.02, Revised Statutes Supplement, 1994, is repealed.".

Messrs. Lindsay, Withem, Landis, Avery, Hartnett, and Hall asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2050

(Amendments to Standing Committee amendments, AM0215)

1. Insert the following section:

"Sec. 2. Section 24-810, Revised Statutes Supplement, 1994, is amended to read:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) In the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), and (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the Legislature. ~~If~~ Until August 1, 1996, if no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge. Notwithstanding any action or recommendation of the Judicial Resources Commission, no judicial vacancy in any district court judicial district shall be filled without legislative approval on and after August 1, 1996.

(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (2) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(4) For purposes of subsection (5) of this section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days

after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.

(5) When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(6) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(7) The judicial nominating commission may, before or after the hearing provided for in subsection (5) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(8) The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made pursuant to subsection (4) of this section of the

location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

(9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.".

2. On page 3, line 18, strike "section 24-301.02" and insert "sections 24-301.02 and 24-810".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 107. Introduced by Coordsen, 32.

PURPOSE: To study the special use permit process including, but not limited to, conditions, limits, and exclusions for the operation and transport of overwidth and overlength vehicles on the roads of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Tuesday, May 16, 1995 1:15 p.m.

Nebraska Environmental Quality Council
- Fred E. Hlava
- Nancy Andrews
- Jack Dixon
- Conrad Boehler
- Richard Sommer
- Paul Fuhrer
- Dennis Heerman
- Janet Bernard-Stevens

Nebraska Environmental Trust Board
- Bradley J. Hansen
- Vincent J. Kramper
- Curt G. Werner

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Senator Matzke's daughter, son-in-law, and grandchildren, Jane, Ken, Jack, and Lee Christofferson, from Littleton, Colorado, son and grandchildren, Dr. Jay Matzke, Alex, Jared, and Sloan, from Omaha, and Todd Weber from Sidney; 100 juniors, seniors, and sponsor from Beatrice; and 57 fifth grade students and teachers from St. Michael's School, Hastings.

RECESS

At 12:11 p.m., on a motion by Mr. Schmitt, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Brashear, Lynch, Wesely, and Withem who were excused; and Messrs. Coordsen, Hall, Landis, Lindsay, Pedersen, Will, Mmes. Brown, Hudkins, Pirsch, Robak, Witek, and Ms. Day who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 459. Placed on Select File as amended.
E & R amendment to LB 459:
AM7148

1. In the Standing Committee amendments, AM1001, on page 1, lines 3 and 4, strike "registration" and insert "numbered"; and in line 8 strike "from" and insert "after".

2. On page 1, line 3, after the last semicolon insert "to change the registration period;".

LEGISLATIVE BILL 732. Placed on Select File.

LEGISLATIVE BILL 483. Placed on Select File as amended.
E & R amendment to LB 483:
AM7149

1. On page 1, strike beginning with "section" in line 1 through "section" in line 4 and insert "sections 77-3501, 77-3505.02, and 77-3507 to 77-3509, Revised Statutes Supplement, 1994; to change calculations for homestead exemptions; to provide a

duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections".

LEGISLATIVE BILL 241. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointment Tuesday, May 16, 1995 12:00 noon
James A. Pearson - Nebraska Board of Parole

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Standing Committee amendment, AM1786, found in the Journal on page 1889, was considered.

PRESIDENT ROBAK PRESIDING

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 101. Read. Considered.

Mr. Chambers raised a point of order on whether LR 101 could be adopted by a majority of the members present and voting, pursuant to Rule 4, Section 5.

The Chair ruled that the resolution required a majority vote of the members, pursuant to Section 24-204.01.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

LR 101 was adopted with 26 ayes, 4 nays, and 19 not voting.

The Chair declared the call raised.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 89. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 89A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 391. E & R amendment, AM7147, found in the Journal on page 2011, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 393. Mr. Chambers offered the following amendment:
FA199
P. 2, lines 1 & 2, strike "$632,982" & insert "$1,265,964"

Mr. Chambers withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 395. E & R amendment, AM7143, found in the Journal on page 2012, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 658. Mrs. Crosby offered the following amendment to the Pirsch pending amendment, AM1902, found in the Journal on page 1979 and considered in this day's Journal:
AM2053

(Amendments to AM1902)

1. On page 1, strike line 6 through 13 and insert:

" '(4) Notwithstanding subsection (2) of this section, (a) commencing July 1, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy. Payments received pursuant to this section shall be used for maternity clothes, layette items, diapers, baby clothing, blankets, feeding supplies, and personal care items for the mother and child.'."

Messrs. Engel, Abboud, Elmer, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby withdrew her amendment.

Mrs. Pirsch withdrew her amendment, AM1902, found in the Journal on page 1979 and considered in this day's Journal.

Mrs. Pirsch withdrew her amendments, AM1331 and AM1350, found in the Journal on pages 1457 and 1459.

Mrs. Crosby moved to indefinitely postpone LB 658.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2039

(Amendments to Standing Committee amendments, AM1754)

1. On page 93, lines 24 and 25, strike "198,458 204,464" and insert "40,958 41,564".

2. On page 94, lines 2 and 3, strike "23,000" and insert "-0-".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2029

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: This amendment will provide a second year of funding in the amount of $383,000 General Funds for the Office of Juvenile

Services in the Department of Correctional Services. The General Fund appropriation will be reduced proportionally, however, if Federal Funds are received for operation of the office. In no case will more than $383,000 be utilized for operation of the Office of Juvenile Services each year.

AMENDMENT:

1. On page 74, line 2, strike "7,803,030" and insert "8,186,030"; and in line 5 strike "10,115,957" and insert "10,498,957".

2. On page 75, after line 3 insert the following:

"There is included in the appropriation to this program $383,000 General Funds for FY1995-96 and $383,000 General Funds for FY1996-97 for operation of the Office of Juvenile Services. If additional Federal Funds are received for operation of the Office of Juvenile Services or General Funds are made available through receipt of additional Federal Funds in FY1995-96 or FY1996-97 in the Juvenile Services Division as a whole that can properly be used to offset expenses of the Office of Juvenile Services, the Department of Correctional Services shall certify receipt of such funds to the budget division of the Department of Administrative Services and the specific General Fund appropriation to Program No. 250 shall be reduced by the amount of such Federal Funds received, except that such certified reduction shall not exceed $383,000 for FY1995-96 and $383,000 for FY1996-97.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2052

(Amendments to Standing Committee amendments, AM1754)

1. PURPOSE: Add $100,000 General Funds in 1995-96 for State Department of Education policy studies.

AMENDMENT:

1. On page 15, line 4, strike "551,150,898" and insert "551,250,898"; and in line 8 strike "689,623,514" and insert "689,723,514".

2. On page 17, after line 6 insert:

There is included in the appropriation to this program $100,000 General Funds for FY1995-96 which shall only be used to conduct policy studies.".

SELECT FILE

LEGISLATIVE BILL 425. Messrs. Engel and Wickersham renewed their pending amendment, AM1738, found in the Journal on page 1791 and considered on page 1977.

Mr. Bernard-Stevens offered the following amendment to the Engel-Wickersham pending amendment:

FA200
line 14 of AM1738
Strike 500,000 and insert 250,000

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Bernard-Stevens requested a division of the question on the Engel-Wickersham pending amendment, AM1738.

The Chair sustained the division of the question.

The first Engel-Wickersham amendment is as follows:
FA201

(Amendments to E & R amendments, AM7107)

1. On page 4, line 21, after "department" insert "in accordance with the purposes stated in subsection (2) of this section";

MRS. CROSBY PRESIDING

The first Engel-Wickersham amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, 8 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The second Engel-Wickersham amendment is as follows:
FA202

(Amendments to E & R amendments, AM7107)

(e)"; in line 8 strike "(d)" and insert "(f)"; in line 10 strike "(e)" and insert "(g)"; in line 12 strike "(f)" and insert "(h)"; in line 16 strike "such" and insert "the purposes of the fund and the"; in line 17 after "procedures" insert "adopted by the commission"; in line 20 strike "its" and insert "the"; in line 21 after "activities" insert "and projects submitted and approved"; and in line 27 after "the" insert "applicants and".

3. On page 6, strike beginning with the comma in line 1 through "(c)" in line 2 and insert "and (b)".

Mr. Engel moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Maurstad requested a record vote on the second Engel-Wickersham amendment.

Voting in the affirmative, 35:

Avery
Bernard-Stevens
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Pedersen
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 1:

Maurstad

Present and not voting, 4:

Matzke
McKenzie
Robak
Schimek

Excused and not voting, 9:

Abboud
Beutler
Brashear
Landis
Lynch
Pirsch
Wesely
Witek
Withem

The second Engel-Wickersham amendment was adopted with 35 ayes, 1 nay, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

The third Engel-Wickersham amendment is as follows:
FA203

(Amendments to E & R amendments, AM7107)

in line 24 strike "or grants"; and in line 26 after "employees" insert ". A qualified business which employs more than one hundred employees shall not be eligible for any grant from the fund, either directly or indirectly through communities. This restriction shall not prohibit a community from receiving a grant for a community improvement project which may include utility or transportation infrastructure and which is consistent with the purposes of this act".

2. On page 5, line 4, after "(c)" insert "The total amount of all outstanding loans or grants awarded from the fund to any qualified business, either directly or indirectly through communities, shall be limited to five hundred thousand dollars;

(d) The type of cost-benefit analysis to be performed prior to approval of any grant, including the requirement that only grants demonstrating a net benefit within fifteen years after approval shall be approved;

Mr. Will and Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens reoffered his amendment, FA200, found in this day's Journal, to the third Engel-Wickersham pending amendment.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Pedersen and Avery asked unanimous consent to print the following amendment to LB 391 in the Journal. No objections. So ordered.

AM2030

(Amendments to Standing Committee amendments, AM1756)

PURPOSE: This amendment will reduce the State Building Fund appropriation to the Department of Correctional Services from $1,200,000 in FY1996-97 to $600,000 in FY1996-97 for site acquisition and development for Program 905 -- the Secure Youth Confinement Facility.

AMENDMENT:

1. On page 10, line 15, strike "1,200,000" and insert "600,000"; in line 17 strike "5,389,242" and insert "4,789,242"; in line 18 strike "$10,138,484" and insert "$9,538,484"; and in line 19 strike "$1,200,000" and insert "$600,000".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

AM1854

(Amendments to Final Reading copy)

1. On page 20, line 16, strike "ten percent" and insert "fifty thousand dollars".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 275A in the Journal. No objections. So ordered.

AM1944

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 57, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, is amended to read:

Sec. 57. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

Program No. 164 - Gamblers' Assistance

	FY1995-96	FY1996-97
~~CASH FUND~~	~~163,364~~	~~165,728~~
~~PROGRAM TOTAL~~	~~163,364~~	~~165,728~~

~~SALARY LIMIT~~	~~30,000~~	~~30,000~~
CASH FUND	-0-	-0-
PROGRAM TOTAL	-0-	-0-
SALARY LIMIT	-0-	-0-

~~The unexpended Cash Fund balance existing on June 30, 1995, is hereby reappropriated.~~

Sec. 2. Section 95, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, is amended to read:

Sec. 95. AGENCY NO. 25 -- DEPARTMENT OF PUBLIC INSTITUTIONS

Program No. 33 - Central Office

	FY1995-96	FY1996-97
GENERAL FUND	14,950,282	15,355,897
~~CASH FUND~~	~~96,000~~	~~96,000~~
CASH FUND	258,500	258,500
FEDERAL FUND est.	9,410,217	9,664,093
~~PROGRAM TOTAL~~	~~24,456,499~~	~~25,115,990~~
PROGRAM TOTAL	24,618,999	25,278,490
~~SALARY LIMIT~~	~~8,387,628~~	~~8,678,096~~
SALARY LIMIT	8,417,628	8,708,096

There is included in the appropriation to this program for FY1995-96 $5,069,939 General Funds, ~~$96,000~~ $205,500 Cash Funds, and $5,818,154 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $5,069,939 General Funds, ~~$96,000~~ $206,500 Cash Funds, and $5,818,154 Federal Funds estimate for state aid, which shall only be used for such purpose.

The General Funds distributed as state aid in this section may be used to provide emergency psychiatric services to persons with mental illness in FY1995-96 and FY1996-97.

Sec. 3. On July 1, 1995, the unexpended balance of Cash Funds from the Compulsive Gamblers Assistance Fund which is appropriated to the Department of Revenue for FY1994-95 shall be transferred to and is hereby appropriated to the Department of Public Institutions, for Program 33, for FY1995-96, to aid in carrying out the provisions of Legislative Bill 275, Ninety-fourth Legislature, First Session, 1995.

Sec. 4. Original sections 57 and 95, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Lindsay and Dierks asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM1814

(Amendments to E & R amendments, AM7123)

1. On page 19, line 3, after "that" insert "(i)"; and in

line 6 before the semicolon insert "and (ii) in lieu of an increased cash assistance payment, a voucher in an equivalent amount shall be provided and may be used only to pay for particular goods and services specified by the department as suitable for the care of the child or children".

Mr. Maurstad asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FA204
Amend AM1738
On page 1 delete Section 2.(d).

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 642A. Introduced by Avery, 3; Dierks, 40; Fisher, 35; Hudkins, 21; Jensen, 20; Jones, 43; Landis, 46; Matzke, 47; McKenzie, 34; Pirsch, 10; Preister, 5; Robak, 22; Vrtiska, 1; Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, Ninety-fourth Legislature, First Session, 1995; and to transfer funds.

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from Cedar Bluffs; Mr. Zan from People's Republic of China and Mr. Robert Sun from the U.S. State Department; and Uldis Dvinskis from Latvia and Harold Mazzarins.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 4:57 p.m., on a motion by Mr. Robinson, the Legislature adjourned until 8:30 a.m., Tuesday, May 9, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SIXTH DAY - MAY 9, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 9, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Mr. Joe L. McManis, First Reader for the Second Church of Christ Scientist, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Witek who was excused; and Messrs. Abboud, Beutler, Chambers, Dierks, Hall, Kristensen, Lindsay, Matzke, Wesely, Will, Withem, Mmes. Bohlke, Brown, McKenzie, Pirsch, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 101.

SELECT FILE

LEGISLATIVE BILL 459. E & R amendment, AM7148, found in the Journal on page 2027, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 732. Advanced to E & R for engrossment.

LEGISLATIVE BILL 483. E & R amendment, AM7149, found in the Journal on page 2027, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 140. Mr. Preister renewed his pending amendment, AM1995, found in the Journal on page 1996.

The Preister amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 583. E & R amendment, AM7134, found in the Journal on page 1859, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 544. E & R amendment, AM7133, found in the Journal on page 1895, was adopted.

Mr. Wickersham offered the following amendment:
FA205
P 2 lines 12 & 13 reinstate stricken language.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 593 to Select File

Mr. Hartnett moved to return LB 593 to Select File for his specific amendment, AM1917, found in the Journal on page 1950.

The Hartnett motion to return prevailed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 593. The Hartnett specific amendment, AM1917, found in the Journal on page 1950, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 330 to Select File

Mr. Bernard-Stevens moved to return LB 330 to Select File for his specific amendment:
AM1977

(Amendments to Final Reading copy)

1. On page 5, strike beginning with "musical" in line 13 through "productions" in line 15 and insert "motion picture productions, made-for-television movies, and television documentaries".

The Bernard-Stevens motion to return prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 330. The Bernard-Stevens specific amendment, AM1977, found in this day's Journal, was considered.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Avery
Bernard-Stevens
Bohlke
Crosby
Engel
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Lynch
Pedersen
Robak
Stuhr
Wickersham

Voting in the negative, 16:

Bromm
Brown
Coordsen
Elmer
Hillman
Jensen
Jones
Landis
Matzke
Maurstad
Preister
Robinson
Schimek
Vrtiska
Warner
Wehrbein

Present and not voting, 6:

Brashear
Day
Dierks
Schellpeper
Schmitt
Schrock

Absent and not voting, 1:

Cudaback

Excused and not voting, 11:

Abboud
Beutler
Chambers
Hall
Lindsay
McKenzie
Pirsch
Wesely
Will
Witek
Withem

The Bernard-Stevens specific amendment lost with 15 ayes, 16 nays, 6 present and not voting, 1 absent and not voting, and 11 excused and not voting.

Readvanced to Final Reading.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 330.

A BILL FOR AN ACT relating to child labor; to amend sections 48-302 and 48-310 to 48-312, Reissue Revised Statutes of Nebraska; to define employment; to authorize a special permit; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Avery
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 2:

Bernard-Stevens
Crosby

Present and not voting, 1:

Cudaback

Excused and not voting, 11:

Abboud
Beutler
Chambers
Hall
Lindsay
McKenzie
Pirsch
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 538.

A BILL FOR AN ACT relating to courts; to amend sections 25-2737, 30-1601, 43-112, and 77-2023, Reissue Revised Statutes of Nebraska, and sections 25-1901, 25-2728, 25-2729, 25-2730, and 25-2733, Revised Statutes Supplement, 1994; to change provisions relating to certain appeals from the county court; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Cudaback

Excused and not voting, 10:

Abboud
Beutler
Chambers
Hall
Lindsay
Pirsch
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 572. With Emergency.

A BILL FOR AN ACT relating to housing authorities; to amend section 84-304, Reissue Revised Statutes of Nebraska; to prohibit examinations by the Auditor of Public Accounts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 9:

Abboud
Beutler
Chambers
Lindsay
Pirsch
Wesely
Will
Witek
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2313, Revised Statutes Supplement, 1994; to change provisions relating to the elective share of a spouse; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Brashear
Cudaback

Excused and not voting, 9:

Abboud
Beutler
Chambers
Lindsay
Pirsch
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 309.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-241, 46-257, and 46-277, Reissue Revised Statutes of Nebraska; to provide for a waiver; to change provisions relating to low-hazard dams; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Pedersen

Excused and not voting, 9:

Abboud
Beutler
Chambers
Lindsay
Pirsch
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 598.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2729, Revised Statutes Supplement, 1994; to change provisions relating to appeals from the county court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 9:

Abboud
Beutler
Chambers
Lindsay
Pirsch
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 669.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201.01, Revised Statutes Supplement, 1994; to change a residency requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery

Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 8:

Abboud
Beutler
Chambers
Lindsay
Pirsch
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Schrock and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 330, 538, 572, 872, 309, 598, and 669.

GENERAL FILE

LEGISLATIVE BILL 418. The pending Standing Committee amendment, AM0335, printed separately from the Journal and referred to on page 762, as amended by the Maurstad et al. amendment, AM1456, printed separately from the Journal and referred to on page 1582 and adopted on page 2012, was renewed.

Mr. Avery offered the following amendment to the Standing Committee amendment:
AM2020

(Amendments to AM1456)

1. On page 1, lines 5 and 6, strike the new matter and reinstate the stricken matter.

2. Strike beginning on page 5, line 18, through page 9,

4 line 24.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Bohlke and Mr. Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Avery moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Kristensen requested a record vote on the Avery amendment to the Standing Committee amendment.

Voting in the affirmative, 13:

Avery
Chambers
Dierks
Hall
Hartnett
Janssen
Jensen
Jones
Landis
Pedersen
Preister
Robinson
Withem

Voting in the negative, 19:

Brashear
Brown
Crosby
Day
Elmer
Engel
Hillman
Hudkins
Kristensen
Matzke
Maurstad
McKenzie
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Present and not voting, 4:

Cudaback
Fisher
Robak
Schmitt

Excused and not voting, 13:

Abboud
Bernard-Stevens
Beutler
Bohlke
Bromm
Coordsen
Lindsay
Lynch
Pirsch
Schrock
Wesely
Will
Witek

The Avery amendment lost with 13 ayes, 19 nays, 4 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

Mr. Avery requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Dierks
Engel
Fisher
Hartnett
Hudkins
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham

Voting in the negative, 6:

Avery
Chambers
Hall
Janssen
Landis
Withem

Present and not voting, 5:

Day
Elmer
Hillman
Jensen
Preister

Excused and not voting, 11:

Abboud
Bernard-Stevens
Beutler
Coordsen
Lindsay
Lynch
Pirsch
Schrock
Wesely
Will
Witek

Advanced to E & R for review with 27 ayes, 6 nays, 5 present and not voting, and 11 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 613. Title read. Considered.

Standing Committee amendment, AM0885, found in the Journal on page 1081, was considered.

Mrs. Robak renewed her pending amendment, AM1366, found in the Journal on page 1441, to the Standing Committee amendment.

Mr. Warner requested a ruling of the Chair on whether the Robak amendment is germane to the Standing Committee amendment.

The Chair ruled the Robak amendment is not germane to the Standing Committee amendment.

Mrs. Robak challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Robak moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mrs. Robak requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 10:

Chambers
Crosby
Hall
Hartnett
Hudkins
Lindsay
Matzke
Maurstad
Preister
Robak

Voting in the negative, 18:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Cudaback
Day
Fisher
Hillman
Janssen
Jensen
Landis
McKenzie
Pirsch
Warner
Wehrbein
Wickersham

Present and not voting, 12:

Dierks
Elmer
Engel
Jones
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Withem

Excused and not voting, 9:

Abboud
Beutler
Coordsen
Kristensen
Lynch
Schrock
Wesely
Will
Witek

The Robak motion to overrule the Chair lost with 10 ayes, 18 nays, 12 present and not voting, and 9 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

MRS. CROSBY PRESIDING

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem withdrew his amendment, FA168, found in the Journal on page 1821.

Mr. Withem offered the following amendment to the Standing Committee amendment:

AM1819

(Amendments to Standing Committee amendments, AM0885)

1. Strike sections 3 and 4 and renumber the remaining sections accordingly.

2. On page 6, strike beginning with "sections" in line 25 through the first "and" in line 26.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 9, 1995, at 10:00 a.m., were the following bills: 330, 538, 572, 872, 309, 598, and 669.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 108. Introduced by Dierks, 40.

PURPOSE: To study Nebraska laws relating to the branding and brand inspection of livestock, including transportation regulations, boundaries of the brand inspection area, and the consistency and technical quality of brand-related statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2075

(Amendments to Standing Committee amendments, AM1754)

1. On page 59, line 5, strike "$275,882,211" and insert "$266,820,211"; and in line 11 strike "$278,298,319" and insert "$254,133,319".

Mr. Janssen asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

AM2080

(Amendments to E & R amendments, AM7107)

1. On page 4, line 23, after "(a)" insert "(i)"; and in line 26 after "employees" insert "and (ii) at least twenty-five percent of the fund, in the aggregate, shall be approved annually for loans or grants, either directly or indirectly through communities, to qualified businesses each of which employs no more than fifty employees".

Messrs. Elmer and Bromm asked unanimous consent to print the following amendment to LB 871 in the Journal. No objections. So ordered.

AM2051

(Amendments to Standing Committee amendments, AM1200)

1. Insert the following new sections:

"Section 1. Section 13-515, Revised Statutes Supplement, 1994, is amended to read:

13-515. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, ~~or~~ to any agency created pursuant to sections 18-2426 to 18-2434, or to any district organized under sections 46-101 to 46-1,163.

Sec. 3. Section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for ~~all~~ (a) water wells, excluding replacement water wells and excluding ~~other than~~ test holes and dewatering wells with intended use of ninety days or less, shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well and (b) replacement water wells shall be filed with the department at the same time as the notice of abandonment of the water well being replaced as required by subsection (2) of this section. If no replacement water well is constructed at the time of abandonment but is constructed within the time provided in subsection (3) of this section, the registration form for such replacement water well shall be filed within thirty days after construction of such replacement water well. Any replacement water well constructed before the operative date of this section shall be registered within ninety days after such date if the water well being replaced has been properly abandoned and notice thereof given. Registration shall be on a form provided by the Director of Water Resources. The form shall contain ~~(a)~~ (i) the name, address, and signature of the owner, ~~(b)~~ (ii) the legal description of the water well, ~~(c)~~ (iii) the date drilling commenced and the date construction was completed, ~~(d)~~ (iv) the intended use of the water well, ~~(e)~~ (v) the description and depth of geologic materials encountered, ~~(f)~~ (vi) the depth and diameter or dimension of the constructed water well and test hole, ~~(g)~~ (vii) the depth and diameter or dimension of the excavated hole if applicable, ~~(h)~~ (viii) the depth of the formation stabilizer or gravel pack and size of particles if used, ~~(i)~~ (ix) the depth and thickness of grout or other sealing materials if applicable, ~~(j)~~ (x) casing information, including length, inside diameter, wall thickness, and type of material if applicable, ~~(k)~~ (xi) the static water level, ~~(l)~~ (xii) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, ~~(m)~~ (xiii) the yield of the water well in gallons per minute if applicable, ~~(n)~~ (xiv) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, ~~(o)~~ (xv) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, ~~(p)~~ (xvi) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, ~~(q)~~ (xvii) the signature of the water well contractor, ~~(r)~~ (xviii) when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and ~~(s)~~ (xix) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced.

(4) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 8. Sections 3 and 9 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 9. Original section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is repealed.".

2. On page 2, line 4, strike "limitation of subdivision (5)(b) of" and insert "geographical limitation found in the definition of replacement water well in".

3. On page 3, line 6, after "not" insert "conduct any evidentiary hearing on any application and shall not"; strike beginning with "appropriations" in line 11 through "applications" in line 13 and insert "(a) appropriations for flood control or sediment control structures which will not make or cause to be made any consumptive use of the impounded water, (b) applications"; and in line 15 after the second "or" insert "(c)".

4. On page 5, line 20, strike "section" and insert "sections 13-515 and".

5. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were students and parents from District #31, Valentine; Kelli, Christina, Joey, and Mollie McManis and Betty Lutz from Omaha; Steve Cady from Hickman; and 19 third grade students and teacher from Tecumseh.

RECESS

At 12:00 noon, on a motion by Mr. Jones, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Mr. Vrtiska presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Coordsen, Dierks, Kristensen, Schmitt, Schrock, Wesely, Wickersham, Will, Mmes. Brown, and Robak who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 613. The Withem pending amendment, AM1819, found in the Journal on page 2049, to the pending Standing Committee amendment, was renewed.

Messrs. Landis and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his amendment.

Messrs. Maurstad and Coordsen withdrew their amendment, AM1849, found in the Journal on page 1859.

Messrs. Maurstad and Coordsen renewed their pending amendment, AM1866, found in the Journal on page 1900, to the Standing Committee amendment.

MRS. CROSBY PRESIDING

The Maurstad-Coordsen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Vrtiska offered the following amendment to the Standing Committee amendment:
AM2092

(Amendments to Standing Committee amendments, AM0885)

1. Strike the sections and all amendments thereto and

insert the following sections:

"Section 1. Section 77-3437, Revised Statutes Supplement, 1994, is amended to read:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Adopted budget statement shall have the definition found in section 13-503;

(5) Fiscal year shall have the definition found in section 13-503;

(6) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(7) Growth shall mean any property tax revenue received from (a) real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, (b) ~~except for tax year 1992,~~ personal property valuation over the prior year, except that for tax year 1995, the prior year's valuation shall not include the taxable value of depreciable livestock, and (c) motor vehicle valuation over the prior year. Growth shall not include any increased property tax revenue received due (i) to a change in valuation of a class or a subclass of property or (ii) to revaluations of individual properties; and

(8) Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property and from the motor vehicle tax, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices, (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from

the property taxes budgeted the prior fiscal year, or (c) property taxes levied by the county board in a ministerial capacity on behalf of other authorities, boards, commissions, districts, entities, and political subdivisions.

Sec. 2. Section 77-3441, Revised Statutes Supplement, 1994, is amended to read:

77-3441. Sections 77-3437 to 77-3440 shall terminate for fiscal years beginning on or after July 1, ~~1995~~ 1996.

Sec. 3. Section 79-3814, Reissue Revised Statutes of Nebraska, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, ~~beginning with budgets adopted for school year 1990-91,~~ no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821 for budgets adopted for school fiscal years 1991-92 through ~~1994-95~~ 1995-96, the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 4. Original sections 77-3437 and 79-3814, Reissue Revised Statutes of Nebraska, and section 77-3441, Revised Statutes Supplement, 1994, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Vrtiska asked unanimous consent to replace his pending amendment, AM2092, with a substitute amendment. No objections. So ordered.

Mr. Vrtiska withdrew his amendment, AM2092.

Mr. Vrtiska offered the following substitute amendment to the Standing Committee amendment:

AM2102

(Amendments to Standing Committee amendments, AM0885)

1. Strike sections 1 and 3 to 7 and all amendments to such sections and insert the following sections:

"Section 1. Section 77-3437, Revised Statutes Supplement, 1994, is amended to read:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Adopted budget statement shall have the definition found in section 13-503;

(5) Fiscal year shall have the definition found in section 13-503;

(6) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(7) Growth shall mean any property tax revenue received from (a) real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, (b) ~~except for tax year 1992,~~ personal property valuation over the prior year, except that for tax year 1995, the prior year's valuation shall not include the taxable value of depreciable livestock, and (c) motor vehicle valuation over the prior year. Growth shall not include any increased property tax revenue received due (i) to a change in valuation of a class or a subclass of property or (ii) to revaluations of individual properties; and

(8) Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property and from the motor vehicle tax, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and

necessary works incident to such projects and practices, (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from the property taxes budgeted the prior fiscal year, or (c) property taxes levied by the county board in a ministerial capacity on behalf of other authorities, boards, commissions, districts, entities, and political subdivisions.

Sec. 3. Section 77-3441, Revised Statutes Supplement, 1994, is amended to read:

77-3441. Sections 77-3437 to 77-3440 shall terminate for fiscal years beginning on or after July 1, ~~1995~~ 1996.

Sec. 4. Section 79-3814, Reissue Revised Statutes of Nebraska, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, ~~beginning with budgets adopted for school year 1990-91,~~ no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821 for budgets adopted for school fiscal years 1991-92 through ~~1994-95~~ 1995-96, the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 5. Original sections 77-3437 and 79-3814, Reissue Revised Statutes of Nebraska, and sections 77-3439 and 77-3441, Revised Statutes Supplement, 1994, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, lines 13 and 18, strike the new matter and reinstate the stricken matter.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Witek requested a roll call vote, in reverse order, on the Vrtiska amendment to the Standing Committee amendment.

Voting in the affirmative, 15:

Bernard-Stevens
Cudaback
Day
Dierks
Fisher
Hudkins
Janssen
Jones
Lynch
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wickersham

Voting in the negative, 18:

Avery
Bromm
Brown
Chambers
Coordsen
Crosby
Hall
Jensen
Kristensen
Lindsay
McKenzie
Pedersen
Pirsch
Robak
Robinson
Warner
Wehrbein
Witek

Present and not voting, 9:

Beutler
Bohlke
Elmer
Engel
Hartnett
Hillman
Matzke
Wesely
Withem

Absent and not voting, 1:

Preister

Excused and not voting, 6:

Abboud
Brashear
Landis
Maurstad
Schrock
Will

The Vrtiska amendment lost with 15 ayes, 18 nays, 9 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA206

Amend the Committee Amendments by amending the Maurstad/Coordsen amendment AM1866, on line 7, strike "Auditor of Public Accounts" and insert "governing body"; and after the period "." in line 13, add "The calculation of unused anticipated aggregate receipts shall be included in the budget documents submitted to the Auditor of Public Accounts."

PRESIDENT ROBAK PRESIDING

The Hall amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 4 nays, 10 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 646A. Placed on Select File.

LEGISLATIVE BILL 429. Placed on Select File as amended.
E & R amendment to LB 429:
AM7150

1. On page 1, strike beginning with "appropriations" in line 1 through line 3 and insert "environmental quality; to amend section 81-1505.01, Reissue Revised Statutes of Nebraska; to create a fund; to change the distribution and use of certain fees and funds; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 89. Placed on Select File as amended.
E & R amendment to LB 89:
AM7151

1. On page 1, line 3, after the last semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 89A. Placed on Select File.
LEGISLATIVE BILL 311. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendment to LB 325:
AM7152

1. On page 2, line 18, strike the second "and" and insert "to".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2066

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: To eliminate the additional General Fund support for the enhancement of engineering education ($1,814,000) at the University of Nebraska.

AMENDMENT:

1. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "308,494,570 313,097,262".

2. On page 89, strike lines 25 through 27.

3. On page 90, strike lines 1 through 4.

Mr. Hall asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM1969

(Amendments to Standing Committee amendments, AM1754)

1. On page 33, line 20, strike "1,693,965 1,693,965" and insert "1,818,965 1,818,965"; and in line 23 strike "33,163,284 33,163,284" and insert "33,288,284 33,288,284".

2. On page 34, after line 3 insert the following:

"It is the intent of the Legislature to ensure that Nebraskans have access to quality, affordable family planning and health screening services. There is included in the appropriation to this program $125,000 for FY 1995-96 to be used for the purpose of establishing, expanding, and enhancing family planning services. There is included in the appropriation to this program $125,000 for FY1996-97 to continue such services.".

Mr. Hall asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

FA207

Amend the Committee Amendments to LB 613 by re-instating Sec. 9. of the bill as introduced, found on pp. 14-15 of the green copy bill.

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen, Robinson, Wickersham, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 642. Title read. Considered.

Mr. Avery offered the following amendment:

AM1575

1. Strike the original sections and insert the following new sections:

"Section 1. (1) On January 1, 1996, five employees of the Department of Social Services shall be transferred to the State Foster Care Review Board. On July 1, 1996, an additional five employees of the Department of Social Services shall be transferred to the State Foster Care Review Board. The transferred employees may be (a) employees of the permanency plan review unit whose voluntary request to transfer shall be considered prior to all other such requests or (b) any other employee with child welfare experience who voluntarily elects to transfer. The transferred employees shall retain all employment benefits, including, but not limited to, wage and salary, insurance, vacation and sick leave, and retirement, whether or not vested, which have accrued through the effective date of the transfer.

(2) During the transition period of September 1, 1995, through July 1, 1996, representatives from the department and the state board shall meet on a regular basis to ensure that all children in foster care receive periodic reviews as required by Title VI-E.

Sec. 2. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3) The state board shall be responsible for the conduct of periodic reviews of foster care cases as required by Title IV-E.

The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the manner in which the state board carries out such duties.

(4) It is also the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(5) The state board may assist the department as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or Aid to Families with Dependent Children benefits, for child support orders of the court, and for medical insurance other than medicaid. The department shall designate a representative with authority to communicate the concerns of the department to the state board and receive concerns of the state board for the department including, but not limited to, matters relating to the juvenile's physical, psychological, and sociological well-being. The designee shall also serve as a liaison between the state board and the department relative to a juvenile's eligibility for Title IV-E funding.

(6) For the period September 1, 1995, through June 30, 1996, the department may continue to conduct Title IV-E reviews. After June 30, 1996, the state board shall have the exclusive right and responsibility to conduct official Title IV-E reviews with the exception provided to the court as outlined in this section. The department shall be allowed to conduct a random sample of reviews as outlined in this section.

(7) The department will continue to review a random sample of the Title IV-E reviews either in the form of a joint review or as a separate and independent review. Primary factors to be considered in the selection of the random sample include, but are not limited to, age and geographical representation.

(8) Case managers from the department shall be allowed to participate in case reviews conducted by the state board.

Sec. 3. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

Ms. Schimek offered the following amendment to the Avery pending amendment:
FA208

Amend the Avery amendment:

Strike language beginning with "The" on page 1, line 7 of AM1575 through "transfer." on page 1, line 11.

Ms. Schimek withdrew her amendment.

Mr. Hall requested a division of the question on the Avery pending amendment.

The Chair sustained the division of the question.

The first Avery amendment is as follows:
FA209

1. Strike the original sections and insert the following new sections:

"Section 1. (1) On January 1, 1996, five employees of the Department of Social Services shall be transferred to the State Foster Care Review Board. On July 1, 1996, an additional five employees of the Department of Social Services shall be transferred to the State Foster Care Review Board. The transferred employees may be (a) employees of the permanency plan review unit whose voluntary request to transfer shall be considered prior to all other such requests or (b) any other employee with child welfare experience who voluntarily elects to transfer. The transferred employees shall retain all employment benefits, including, but not limited to, wage and salary, insurance, vacation and sick leave, and retirement, whether or not vested, which have accrued through the effective date of the transfer.

(2) During the transition period of September 1, 1995, through July 1, 1996, representatives from the department and the state board shall meet on a regular basis to ensure that all children in foster care receive periodic reviews as required by Title VI-E.

Mr. Hall requested a ruling of the Chair on whether the Avery amendment is germane to the bill.

The Chair ruled the Avery amendment is germane to the bill.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek reoffered her amendment, FA208, found in this day's Journal, to the Avery pending amendment, FA209.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

SPEAKER WITHEM PRESIDING

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 27:

Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Engel
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
Preister
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Withem

Voting in the negative, 8:

Beutler
Chambers
Crosby
Kristensen
Lindsay
Pirsch
Warner
Witek

Present and not voting, 7:

Elmer
Fisher
Hartnett
Maurstad
Robak
Schellpeper
Vrtiska

Excused and not voting, 7:

Abboud
McKenzie
Pedersen
Robinson
Schrock
Wickersham
Will

The Schimek amendment was adopted with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 109. Introduced by Fisher, 35.

PURPOSE: To examine the effect of legislation affecting homestead exemptions as passed by the Ninety-third Legislature, Second Session, in 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein and Mrs. Hillman asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2076

(Amendments to Standing Committee amendments, AM1754)

1. Insert the following new sections:

"Sec. 8. CONTRACTUAL SERVICES.

The Legislature endorses and approves Executive Order 95-4, "Selection of Contractual Services", as proper procedure for all state agencies selecting service vendors.

Sec. 165. AGENCY NO. 55 -- NEBRASKA NATURAL RESOURCES COMMISSION

Program No. 306 - Water Well Decommissioning

	FY1995-96	FY1996-97
GENERAL FUND	99,000	99,000
PROGRAM TOTAL	99,000	99,000

There is included in the appropriation to this program for FY1995-96 $99,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $99,000 General Funds for state aid, which shall only be used for such purpose.".

2. On page 9, after line 15 insert the following:

"The unexpended balance existing on June 30, 1995, is hereby reappropriated.".

3. On page 22, line 20, strike "2,093,035" and insert "2,403,035".

4.a. On page 32, line 27, strike "5,835,532 5,870,887" and insert "5,875,532 5,910,887"; and

b. On page 33, line 3, strike "26,442,606 26,645,093" and insert "26,482,606 26,685,093".

5. On page 36, after line 4 insert

"The unexpended Cash Fund balance existing on June 30, 1995, is hereby reappropriated for FY1995-96 in an amount not to exceed $225,000 to complete the final two subsystems of the computer system, which shall only be used for such purpose.".

6.a. On page 50, line 4, strike "Residential Centers" and insert "Mission of the Great Plains";

b. On page 57, line 26, strike "age twenty-one and older"; and

c. On page 58, line 2, strike "Residential Centers" and insert "Mission of the Great Plains".

7. On page 70, line 18, strike "2,155,356 2,134,581" and insert "2,268,377 2,223,143"; and in line 20 strike

"2,209,487 2,188,712" and insert "2,322,508 2,277,274".

8. On page 74, line 2, strike "10,164,200" and insert "10,717,037"; in line 5 strike "12,472,395" and insert "13,025,232"; and in line 6 strike "5,931,088" and insert "6,301,262".

9. Renumber the remaining sections and correct internal references accordingly.

Mr. Wehrbein and Mrs. Hillman asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

AM2078

1. Insert the following new section:

"Sec. 15. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 536 - Miscellaneous Claims

	FY1993-94	FY1994-95
GENERAL FUND	-0-	441,500
PROGRAM TOTAL	-0-	441,500

There is included in the appropriation to this program an amount not to exceed $177,500 General Funds to pay contract claim number CC-599, which settlement has been approved by the Attorney General.

There is included in the appropriation to this program an amount not to exceed $264,000 General Funds to pay contract claim number CC-598, which settlement is subject to final approval by the Attorney General prior to payment.".

2. a. Insert the following new section:

"Sec. 43. Laws 1994, LB 991, section 50, is amended to read:

Sec. 50. AGENCY NO. 3 -- LEGISLATIVE COUNCIL

Program No. 127 - Revisor of Statutes

	FY1993-94	FY1994-95
~~GENERAL FUND~~	~~1,066,650~~	~~1,067,508~~
GENERAL FUND	1,066,650	1,157,508
~~PROGRAM TOTAL~~	~~1,066,650~~	~~1,067,508~~
PROGRAM TOTAL	1,066,650	1,157,508
SALARY LIMIT	614,082	609,082"

b. On page 6, lines 2 and 4, strike "1,734,559" and all amendments thereto and insert "1,642,942";

c. On page 19, line 17, strike "5,180,171" and all amendments thereto and insert "5,400,511"; and in line 19 strike "5,180.171" and all amendments thereto and insert "5,400,511";

d. On page 20, in lines 16 and 17, strike "178,304" and all amendments thereto and insert "177,967"; and

e. On page 60, line 17, after "49," insert "50,".

3. Renumber the remaining sections accordingly.

Mr. Wehrbein and Mrs. Hillman asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM2077

(Amendments to Standing Committee amendments, AM1755)

1. On page 26, line 21, strike "33,209 67,414" and insert "121,293 166,211".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 742A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to amend section 40, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 642. The first Avery pending amendment, FA209, found in this day's Journal, as amended, was renewed.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall offered the following amendment to the first Avery pending amendment:

FA211

Amend the Avery amendment, FA209, on line 3 of p.1, strike "five" and insert "four" and on line 5 of p.1 strike "five" and insert "four"

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Pending.

STANDING COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendment to LB 371:
AM2061

1. Strike original sections 24 to 27 and insert the following new sections:

"Sec. 12. Section 29-2257, Reissue Revised Statutes of Nebraska, is amended to read:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.

This provision for salary equalization shall apply only to probation officers and support staff and shall not apply to chief probation officers, the probation administrator, the chief deputy administrator, the deputy probation administrator, or any other similarly established management positions. The probation administrator shall report to the Judiciary Committee of the Legislature no later than December 1, 1995, detailing the actions taken under this section, including a breakdown on the distribution of salary equalization money appropriated by the Ninety-fourth Legislature, First Session.

Sec. 25. The Department of Correctional Services shall develop and implement a boot camp to commence July 1, 1997, for adult criminal offenders. It is the intent of the Legislature that the boot camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders. It is the further intent of the Legislature that the boot camp serve the interests of society by promoting the rehabilitation of offenders and by deterring offenders from engaging in further criminal activity. To accomplish these goals, the boot camp shall provide structured programming, including any of the following: Work programs, vocational training, behavior management and modification, money management, substance abuse awareness, counseling, or treatment, or other education and programming needs, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Sec. 26. (1) It is the intent of the Legislature that the court target the felony offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other forms of probation are not suitable, and (c) who, without the existence of a boot camp, would have gone to prison. It is the further intent of the Legislature that prior incarcerants for minor nonviolent offenses are not automatically ineligible to be sentenced to boot camp. It is also the intent of the Legislature that the offender convicted of a violent crime is not eligible to be sentenced to boot camp.

(2) When the court is of the opinion that imprisonment may be appropriate but that a brief and intensive period of incarceration may better serve the interests of society, the court may sentence an offender to a boot camp, which shall be a form of probation. The court may consider such commitment if the offender (a) is a male or female offender who is convicted as an adult, (b) has a maximum sentence of ten years or less, (c) is determined to be medically and mentally fit to participate, with allowances given for reasonable accommodation, (d) has not previously been incarcerated for a violent felony crime, and (e) has not demonstrated chronic violent behavior. Offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are precluded from being sentenced to boot camp.

Sec. 27. Upon successful completion of the boot camp program, as determined by the Department of Correctional Services, the sentencing court may place the offender on an appropriate form of probation or discharge the offender.

Sec. 28. If the offender for any reason fails to successfully complete the boot camp program, the sentencing court may impose any other sentence that the court may have originally imposed. Credit shall be given for time actually served in the boot camp program.

Sec. 29. (1) Structured programming shall be planned for all adult persons committed to the department. The structured programming shall include any of the following: Work programs, vocational training, behavior management and modification, money management, and substance abuse awareness, counseling, or treatment. Programs and treatment services shall address:

(a) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;

(b) Drug and alcohol use and addiction;

(c) Health and medical needs;

(d) Education and related services;

(e) Counseling services for persons committed to the department who have been physically or sexually abused;

(f) Work ethics and structured work programs; and

(g) The development and enhancement of job acquisition skills and job performance skills.

(2) The goal of such structured programming is to provide the skills necessary for the person committed to the department to successfully return to his or her home or community or to a suitable alternative community upon his or her release from the secure confinement facility.

(3) If a person committed to the department refuses to participate in the structured programming described in subsection (1) of this section, he or she shall be subject to disciplinary action, including a loss of privileges, good time, or both, by the department.

(4) In no event shall a person committed to the department be ineligible for good time due to the unavailability of services referred to in this section.

(5) Any person committed to the department who is qualified by reason of education, training, or experience to teach academic or vocational classes may be given the opportunity to teach such classes to committed offenders as part of the structured programming described in this section.

Sec. 30. Any individual, partnership, firm, limited liability company, corporation, company, society or association, the state or any department, agency, or subdivision thereof, or any other public or private entity aggrieved by the actions of an individual convicted of a violation of section 28-311.01 shall have a cause of action for any loss or damage, including reasonable costs and attorneys fees, resulting from the underlying conduct which was the basis for the conviction.".

2. On page 7, line 27, strike the new matter and insert "One hundred forty grams or more shall be guilty".

3. On page 8, strike line 1 and show the old matter as stricken and insert "(b) At least twenty-eight grams but less than one hundred forty grams"; and in line 3 strike "one ounce but less than seven ounces", show as stricken, and insert "ten grams but less than twenty-eight grams".

4. On page 15, line 25, strike "sections" and insert "subsection (3) of section 28-306 or section".

5. On page 16, line 2, after "subdivision" insert "or of a similar statute in another state or of the United States".

6. On page 18, line 25, after the semicolon insert

"(r) To successfully complete a boot camp program, as determined by the Department of Correctional Services;"; and in line 26 strike "(r)", show as stricken, and insert "(s)".

7. On page 21, line 10, strike "subsection (1)" and insert "subsections (2) and (3)"; in line 14 after "(1)" insert:

"(a) Within sixty days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. During incarceration, the committed offender shall comply with the department-approved personalized program plan and the department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.

(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. Upon completion of the department-approved personalized program plan by any committed offender as scheduled for any year, or pro rata part thereof, shall entitle the committed offender to the earned good time of three months described in this section.

(2)"; in line 18 after the period insert paragraphing and "(3)" and strike "may" and insert "shall"; and strike beginning with "participation" in line 21 through "plan" in line 24 and insert ":

(a)(i) The committed offender's successful participation in or completion of a department-approved educational program or the awarding of a high school diploma while incarcerated;

(ii) The committed offender's having received a high school, general educational development, or college diploma or the offender's successful completion of any other continuing educational program as offered by the department; or

(iii) The committed offender's successful participation in teaching an academic or vocational class offered by the department;

(b) The committed offender's successful completion of a department-approved substance abuse or addiction treatment program while he or she is incarcerated;

(c) The committed offender's successful completion of a department-approved criminal personality treatment program while he or she is incarcerated;

(d) The committed offender's demonstrated work ethic as shown by obtaining and maintaining regular employment in the correctional system;

(e) The committed offender's successful completion of a department-approved psychiatric counseling or treatment program while he or she is incarcerated; or

(f) Any other program deemed necessary and appropriate by the department".

8. On page 22, line 4, strike "(2)", show as stricken, and insert "(4)"; in lines 5 and 6 and 11 strike "subsection (1)" and insert "subsections (2) and (3)"; in line 10 strike "(3)", show as stricken, and insert "(5)"; and in line 17 strike "(4)", show as stricken, and insert "(6)".

9. On page 23, strike beginning with "received" in line 14 through "action" in line 15 and insert "been found guilty of a violation of the rules and regulations of the department"; and

strike beginning with "The" in line 17 through line 21.

10. On page 26, lines 23 and 24, strike "subsection (1)" and insert "subsections (2) and (3)".

11. On page 29, line 17, after the last comma insert "29-2257,".

12. Renumber the remaining sections and correct internal references accordingly.

(Signed) John Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 110. Introduced by Brown, 6.

WHEREAS, Helen Wessel Cherniack was an exceptional woman who generously served her community as a volunteer for over fifty years and was considered one of Omaha's premier civic leaders; and

WHEREAS, Mrs. Cherniack volunteered for a long list of cultural, religious, educational, and philanthropic organizations during her life, including the Omaha Community Foundation, the University of Nebraska Foundation, the United Way of the Midlands, the Joslyn Art Museum, the Omaha Community Playhouse, Boys' Clubs and Girls' Clubs, the Salvation Army, the Omaha Public Library, Methodist, Children's, and Clarkson hospitals, the National Conference of Christians and Jews, the YWCA, the Leon Millard Foundation, the Chancellor's Advisory Committee at University of Nebraska at Omaha, Family Service, and the Nebraska State Historical Society; and

WHEREAS, Mrs. Cherniack began her volunteer leadership with the Temple Israel Sisterhood in 1943 and went on to serve in leadership positions for many of the organizations she was affiliated with, providing vision and direction for their work; and

WHEREAS, Mrs. Cherniack received many awards and recognitions for her contributions to the community including an honorary Doctorate of Humane Letters from the University of Nebraska at Omaha in 1982, the 1974 Omaha World Herald Woman of the Midlands, the Brotherhood Award of the National Conference of Christians and Jews in 1975, the Salvation Army Others' Award in 1985, the United Way of the Midlands' Citizen of the Year Award in 1988, the YWCA Woman of Distinction Award in 1988, and the Centennial Heritage Award in 1993; and

WHEREAS, Mrs. Cherniack was born in Nebraska City, lived most of her life in Nebraska, and passed away at the age of 84 on March 20, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Helen Wessel Cherniack be recognized for her work and dedication to her community and its citizens.

2. That condolences of the members of the Legislature be extended to the family of Helen Cherniack.

3. That a copy of this resolution be sent to each of Helen Cherniack's two daughters.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Lindsay asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2098

1. Strike the original sections and the Standing Committee amendments, AM0215, and insert the following sections:

"Section 1. Section 24-810, Revised Statutes Supplement, 1994, is amended to read:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) In the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), and (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the Legislature. ~~If~~ Until August 1, 1996, if no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge. Notwithstanding any action or recommendation of the Judicial Resources Commission, no judicial vacancy in any district court judicial district shall be filled without legislative approval on and after August 1, 1996.

(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (2) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(4) For purposes of subsection (5) of this section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.

(5) When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one

days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(6) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(7) The judicial nominating commission may, before or after the hearing provided for in subsection (5) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(8) The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made pursuant to subsection (4) of this section of the location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

(9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.

Sec. 2. Original section 24-810, Revised Statutes Supplement, 1994, is repealed.".

Messrs. Withem and Lindsay asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2103

1. Insert the following new sections:

"Section 1. Section 24-201.01, Revised Statutes Supplement, 1994, is amended to read:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be eighty-eight thousand one hundred fifty-seven dollars and thirty cents. On July 1, 1995, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-one thousand six hundred eighty-three dollars and fifty-nine cents. On July 1, 1996, the salary of the

Chief Justice and the judges of the Supreme Court shall be ninety-four thousand eight hundred ninety-two dollars and fifty-two cents. ~~sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. Original section 24-201.01, Revised Statutes Supplement, 1994, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

Messrs. Withem, Lindsay, and Beutler asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2108

1. Strike the original sections and all amendments thereto and insert the following section:

"Section 1. The Legislature delegates to the Nebraska Bar Association the authority to conduct a study of the issue of judicial resource allocation. There is hereby appropriated $25,000 from the General Fund to the Nebraska Bar Association for this purpose if the Nebraska Bar Association promises they really, really, really will do a good job, for sure.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2069

(Amendments to Standing Committee amendments, AM1754)

1. Insert the following new section:

"Sec. 105. AGENCY NO. 26 -- DEPARTMENT OF SOCIAL SERVICES

Program No. 349 - Long-Term Care

	FY1995-96	FY1996-97
GENERAL FUND	81,940,775	88,643,079
FEDERAL FUND est.	121,436,675	124,903,244

PROGRAM TOTAL	203,377,450	213,546,323

There is included in the appropriation to this program for FY1995-96 $81,940,775 General Funds and $121,436,675 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $88,643,079 General Funds and $124,903,244 Federal Funds estimate for state aid, which shall only be used for such purpose.".

2. On page 57, strike lines 2 through 4 and insert the following:

	"FY1995-96	FY1996-97
GENERAL FUND	183,042,766	191,605,272
FEDERAL FUND est.	317,027,213	326,710,496
PROGRAM TOTAL	500,069,979	518,315,768"

in line 7 strike "$262,607,541" and insert "$180,666,766" and strike "$435,712,888" and insert "$314,276,213"; and in line 10 strike "$278,077,351" and insert "$189,434,272" and strike "$449,067,740" and insert "$324,164,496".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2067

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: Eliminate $435,000 General Funds in FY1995-96 and $435,000 General Funds in FY1996-97 for early childhood education projects.

AMENDMENT:

1. On page 15, strike line 4 and insert "GENERAL FUNDS 550,715,898 585,055,255"; strike line 8 and insert "PROGRAM TOTAL 689,188,514 729,336,766"; in line 11 strike "$544,627,785" and insert "$544,192,785"; and in line 14 strike "$578,677,939" and insert "$578,242,939".

2. On page 17, strike lines 8 through 11.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

(Amendment, AM2063, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2089

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: To restore radiation monitoring around the nuclear power plants.

AMENDMENT:

1. On page 32, line 27, strike "5,835,532 5,870,887" and insert "5,866,532 5,901,887".

2. On page 33, line 3, strike "26,442,606 26,645,093" and insert "26,473,606 26,676,093"; and in line 4 strike "12,688,619 12,688,619" and insert "12,705,876 13,705,876".

Mr. Withem asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2109

1. Strike original section 28.

2. In the Standing Committee amendment, AM2061, strike sections 25 to 28.

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 642. The Hall pending amendment, FA211, found in this day's Journal, to the first Avery pending amendment, FA209, found in this day's Journal, was renewed.

Mrs. Bohlke moved to bracket LB 642 until January 9, 1996.

Mr. Chambers offered the following amendment to the Bohlke pending motion to bracket:

FA212

Amend Bracket motion:
Strike existing date and insert May 11, 1995.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mrs. Bohlke withdrew her motion to bracket until January 9, 1996.

Mrs. Bohlke asked unanimous consent to bracket LB 642 until May 11, 1995. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LBs 330, 538, 872, 309, 598, and 669 and "no" on LB 572.

(Signed) Kate Witek

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2085

(Amendments to Standing Committee amendments, AM2061)

1. Insert the following new sections:

"Sec. 6. Section 28-1201, Revised Statutes Supplement, 1994, is amended to read:

28-1201. For purposes of sections 28-1201 to 28-1212 and sections 35 to 43 of this act, unless the context otherwise requires:

(1) Firearm ~~shall mean~~ means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice ~~shall mean~~ means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile ~~shall mean~~ means any person under the age of eighteen years;

(4) Knife ~~shall mean~~ means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles ~~shall mean~~ means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun ~~shall mean~~ means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle ~~shall mean~~ means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(8) Short shotgun ~~shall mean~~ means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 7. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds is a Class IV misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. This subsection shall not apply to

(a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place

of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 35. Sections 35 to 43 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 36. For purposes of the Gun-Free School Zone Act:

(1) Gun-free school zone means the area within a distance of one thousand feet from the grounds of a school, not including private property which is not part of the grounds of a school; and

(2) School means any public, private, or parochial facility or institution which provides elementary or secondary education.

Sec. 37. No person shall knowingly possess a firearm in violation of section 28-1202, 28-1203, 28-1204, 28-1204.01, 28-1205, 28-1206, 28-1207, 28-1212.02, or 28-1212.03 in a gun-free school zone.

Sec. 38. A gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times while set apart as a gun-free school zone. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected and maintained.

Sec. 39. (1) Except as provided in subsection (2) of this section, no person shall knowingly or with reckless disregard for the safety of another discharge or attempt to discharge a firearm in a gun-free school zone.

(2) Subsection (1) of this section does not apply to the discharge of a firearm:

(a) By a person participating in a program approved by a school in a gun-free school zone;

(b) By a person in accordance with a contract entered into between a school in a gun-free school zone and the person or an employer of the person;

(c) By an individual who is a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or who is a peace officer acting in his or her official capacity; or

(d) By a properly licensed hunter legally hunting on private or public land.

(3) Nothing in the Gun-Free School Zone Act shall be construed as preempting or preventing a political subdivision from enacting an ordinance or passing a resolution establishing gun-free

school zones as provided in the act.

Sec. 40. Any person who violates the Gun-Free School Zone Act is guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. A sentence of imprisonment under the act shall not run concurrently but shall run consecutively with any other jail term imposed.

Sec. 41. In addition to the penalties provided in section 40 of this act, any person who violates the Gun-Free School Zone Act and is a student in any school in this state may be expelled from his or her school for one year for the first offense and shall be expelled for one year for a second or subsequent offense in accordance with policies adopted by the school or the school district. The person shall be afforded a formal due process hearing in the manner provided in section 79-12,115.

Sec. 42. In addition to the penalties provided in section 40 of this act, any person who is convicted of violating the Gun-Free School Zone Act and is an employee or independent contractor of any school or school district in this state may have his or her employment or contract immediately terminated. Such person shall be afforded a formal due process hearing as provided in section 79-12,115.

Sec. 43. Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated and disposed of as provided in section 28-1204.04.".

2. Renumber the remaining sections and correct internal references accordingly.

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

AM2120

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any municipality which intends to provide or expand municipal solid waste collection service in an area where the collection of solid waste has been provided by a private entity for a minimum of ninety days, shall, by resolution, proclaim its intent to begin municipal solid waste collection in the area, whether by the use of municipal employees and equipment or by contract. The resolution shall be made by a vote of the governing body at a public meeting.

Sec. 2. A municipality shall not commence municipal solid waste collection in an area described in section 1 of this act for one year after the date of the proclamation of intent to serve the area unless (1) the municipality contracts with the private entity currently providing the service to continue the service for the same one-year period of time, (2) the municipality provides for the service through property taxes or other general funds in whole or part, (3) the private entity currently providing such service discontinues the service to the area, or (4) the private entity currently providing such service fails to provide such service under the same terms and conditions which the municipality provides to residents of the municipality through the municipal solid waste collection service.".

Messrs. Lindsay, Hall, Kristensen, Chambers, and Abboud asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2117

1. Insert the following section:

"Section 1. It is the intent of the Legislature that the Department of Social Services shall cease to exist as a separate agency of state government effective July 1, 1996. The functions and duties of the Department of Social Services shall be evaluated pursuant to the Legislative Program Evaluation Act. The Legislative Program Evaluation Committee shall report to the Legislature not later than January 1, 1996, with its recommendations for transferring the duties and the functions of the Department of Social Services to agencies appropriate to administer such duties and functions.".

2. Renumber the remaining sections and correct internal references accordingly.

Messrs. Brashear and Wickersham asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2119

1. Insert the following sections:

"Section 1. Section 24-803, Revised Statutes Supplement, 1994, is amended to read:

24-803. (1) As the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate members of such commission in the manner prescribed in section 24-806. The term of office of an alternate member of a commission shall be for a period of two years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection ~~(5)~~ (6) of section 24-810.

Sec. 2. Section 24-810, Revised Statutes Supplement, 1994, is amended to read:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) In the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), and (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the

Legislature. If no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge.

(3) Regardless of whether a vacancy has occurred, the Judicial Resources Commission shall meet not less than once every two years. After the meeting and not later than December 31, 1995, the commission shall report to the Legislature the following:

(a) Recommendations for improving the reporting of judicial activity by including:

(i) Time on the bench;

(ii) Time spent on administrative tasks;

(iii) Time spent on continuing education;

(iv) Time spent on research and writing; and

(v) Time spent on travel;

(b) Recommendations for improving the case reporting system which consider:

(i) Consistency in treatment of cases;

(ii) Weighting of case categories; and

(iii) Service in out-of-district cases;

(c) Recommendations for evaluating the impact on judicial workload of the following personnel:

(i) Law clerks;

(ii) Administrative assistants;

(iii) Referees;

(iv) Bailiffs;

(v) Clerk magistrates; and

(vi) Other personnel designated to the court; and

(d) Recommendations on the allocation of judicial resources, including whether any judicial district boundaries or the number of districts should be changed for district or county courts, and whether the number of judges should be increased, decreased, or remain the same and what reallocation of judges or redistricting of judicial district boundaries, if any, should be made using an assumption that no new resources or judges will be available.

(4) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to ~~subsection~~ subsections (2) and (3) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(5) ~~(4)~~ For purposes of subsection ~~(5)~~ (6) of this section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session

commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.

(6) ~~(5)~~ When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(7) ~~(6)~~ After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(8) ~~(7)~~ The judicial nominating commission may, before or after the hearing provided for in subsection ~~(5)~~ (6) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(9) ~~(8)~~ The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made pursuant to subsection ~~(4)~~ (5) of this section of the location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial

vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

(10) ~~(9)~~ The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.

Sec. 3. Original sections 24-803 and 24-810, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 76 fourth grade students and sponsors from Arbor Park Middle School, Blair; 24 seventh and eighth grade students and sponsor from West Catholic School, Fordyce; Marvin and Lucille Pickhinke from Howells and Lucy Mochnayova from Slovakia; and students, teacher, sponsor, and parents from Sheridan County District #131 School.

The Doctor of the Day was Robert Wergin from Lincoln.

ADJOURNMENT

At 7:24 p.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Wednesday, May 10, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SEVENTH DAY - MAY 10, 1995

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 10, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 10, 1995

Pursuant to adjournment, the Legislature met at 8:32 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Alberta Clark-Johnson, United Methodist Churches, Prairie Home and Alvo, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Chambers, Dierks, Hall, Kristensen, Landis, Lindsay, Matzke, Pedersen, Robinson, Will, Mmes. Bohlke, Brown, McKenzie, and Witek who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 172, 712, and 712A.

Enrollment and Review Change to LB 712

The following changes, required to be reported for publication in the Journal, have been made:
ER9071

1. In the Beutler amendment, FA187:

a. Section 19 has been renumbered as section 18 and incorporated into the E & R amendments, AM7054; and

b. On page 1, lines 12 and 24, paragraphing has been inserted after the period.

2. In the Jensen amendment, AM1586, on page 1, line 5, "his" has been struck and "the" inserted.

3. In the Bernard-Stevens-Bromm amendment, FA138, on page 1, "page 3 line 4 and 9" has been struck and "page 3, lines 3 and 4 and 9," inserted.

4. In the Matzke-Stuhr amendment, AM1579, on page 3, line 16, "22" has been struck and "21" inserted.

5. The Matzke-Stuhr amendment, AM1579, amended the Stuhr amendment, AM1518, by replacing AM1518 as amended by AM1529 and AM1530.

6. In the Matzke amendment, AM1371:

a. On page 2, line 6, paragraphing has been inserted before "His";

b. On page 3, line 3, an underscored period has been inserted after the parenthesis; and in line 18, "biological" has been inserted after "possible"; and

c. On page 4, line 20, an underscored comma has been inserted after "child".

7. In the E & R amendments, AM7054:

a. On page 1, line 11, "18" has been struck and "17" inserted;

b. On page 2, line 18, "17" has been struck and "16" inserted;

c. On page 10, line 6, "or" has been inserted after the comma;

d. On page 11, line 9, the period has been struck;

e. On page 12, lines 11 and 15, "17" has been struck and "16" inserted;

f. On page 14, lines 3 and 23; page 17, lines 23 and 26; page 18, line 25; and page 20, line 12, "18" has been struck and "17" inserted; and

g. On page 16, line 18, "sections 16 and 17" has been struck and "section 15" inserted.

8. On page 1, line 2, "43-104.04," has been inserted after the third comma; in line 4 "section" has been struck and "sections 43-104.03 and" inserted; in line 5 "for an affidavit," has been inserted after the second comma; in line 6 "for" has been inserted after the comma; in line 7 "and" has been struck and "for" inserted; in line 8 "; to provide" has been struck and ", for a biological father registry, and for" inserted; and in lines 14 and 15 "sections 43-104.04 and" has been struck and "section" inserted.

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 111. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to initiate a comprehensive study to examine the personnel policies of the state's railroad carriers and the application of such policies to the management and employees of the railroad carrier. Special emphasis shall be placed on distinguishing how disciplinary rules and disciplinary actions taken against management and other employees differ in their application. The study shall examine existing law and proposed legislative enactments which address whether standards should be created to equalize disciplinary actions taken against the different categories of railroad carriers' employees. One or more hearings shall be held to elicit testimony from all interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 112. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: To study LB 555 (1995), which expands the scope of employment of minors in Nebraska and to determine its relationship with federal laws and regulations and its potential effect upon Nebraska's young people. Existing Nebraska law places various restrictions on the employment of minors that concern both the age at which employment may begin and the nature of that employment. LB 555 authorizes Nebraska youth who are 16 and 17 years of age to be employed in hazardous occupations as part of a "school-to-work" program administered by public schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: To examine the cost of workers' compensation insurance premiums in the State of Nebraska since the passage of LB757 in 1993. By enacting LB757, Nebraska joined several states which recently adopted laws to reform workers' compensation. Legislative Bill 757 contained several provisions intended to reduce workers' compensation insurance premiums. This study is intended to gather preliminary data and to begin the analysis in this area prior to the 1997 formal report required by LB757.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: To study the consolidation of job training activities as proposed in LB885 (1995) and to determine its relationship with federal laws and regulations and its potential effect upon existing Nebraska job training activities. Currently, federal job training funds are provided to several Nebraska agencies for the purpose of training unemployed individuals for return to the workplace. Legislative Bill 885 would channel the federal funding to a single agency designated by the Governor to perform all job training activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMUNICATION

Received House Concurrent Resolution 5008 from the State of Kansas claiming sovereignty under the 10th amendment to the Constitution of the United States and notifying the federal government to cease and desist mandates that are beyond the scope of its constitutionally delegated powers.

SELECT FILE

LEGISLATIVE BILL 286. Advanced to E & R for engrossment.
LEGISLATIVE BILL 579. Advanced to E & R for engrossment.

LEGISLATIVE BILL 564. E & R amendment, AM7142, found in the Journal on page 1987, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 616. E & R amendment, AM7141, found in the Journal on page 1987, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 696. Advanced to E & R for engrossment.

LEGISLATIVE BILL 207. Ms. Day and Mr. Bernard-Stevens renewed their pending amendment, AM1825, found in the Journal on page 1954.

The Day-Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 205. E & R amendment, AM7116, found in the Journal on page 1733, was adopted.

Mr. Janssen renewed his pending amendment, AM1928, found in the Journal on page 1966.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Janssen amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 552. Advanced to E & R for engrossment.

LEGISLATIVE BILL 629. E & R amendment, AM7137, found in the Journal on page 1918, was adopted.

Mr. Beutler withdrew the McKenzie amendment, AM2120, found in the Journal on page 2082.

Mr. Beutler offered the following amendment:
FA213

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any municipality which intends to provide or expand municipal solid waste collection service in an area where the collection of solid waste has been provided by a private entity for a minimum of ninety days, shall, by resolution, proclaim its intent to begin municipal solid waste collection in the area, whether by the use of municipal employees and equipment or by contract. The resolution shall be made by a vote of the governing body at a public meeting.

Sec. 2. A municipality shall not commence municipal solid waste collection in an area described in section 1 of this act for one year after the date of the resolution of intent to serve the area unless (1) the municipality contracts with the private entity currently providing the service to continue the service for the same one-year period of time, (2) the municipality provides for the service through property taxes or other general funds in whole or part, (3) the private entity currently providing such service discontinues the service to the area, or (4) the private entity currently providing such service fails to provide such service under the same terms and conditions which the municipality provides to residents of the municipality through the municipal solid waste collection service.".

The Beutler amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 671. With Emergency.

A BILL FOR AN ACT relating to agriculture; to provide for the renewal, restoration, or revival of county agricultural societies as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 772. With Emergency.

A BILL FOR AN ACT relating to easements; to authorize an easement as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 774.

A BILL FOR AN ACT relating to real estate closing agents; to amend section 76-2,122, Revised Statutes Supplement, 1994; to change requirements; to exempt transactions from requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Matzke
Wesely

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 118. With Emergency.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1994; to change a penalty; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Bernard-Stevens
Preister

Present and not voting, 2:

Lynch
Schimek

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 120.

A BILL FOR AN ACT relating to energy; to state intent relating to energy resources; to provide duties for public utilities; to eliminate intent relating to use of radioactive material; and to outright repeal section 70-627.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Landis
Lynch
Matzke
Pedersen
Preister
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 8:

Bernard-Stevens
Elmer
Janssen
Kristensen
Maurstad
Schrock
Vrtiska
Warner

Present and not voting, 1:

Robak

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 193.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-926, Reissue Revised Statutes of Nebraska; to change provisions relating to planning commission member appointment and removal and alternate members; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein

Wesely
Wickersham
Withem

Voting in the negative, 2:

Bernard-Stevens
Schimek

Present and not voting, 2:

Preister
Robinson

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1111, Reissue Revised Statutes of Nebraska; to provide additional powers and duties for the accounting bureau and the Accounting Administrator with respect to preaudits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 3:

Bohlke
Bromm
Robinson

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to change a provision relating to disqualification for benefits due to misconduct; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 356.

A BILL FOR AN ACT relating to the Nebraska Soil and Plant Analysis Laboratory Act; to amend sections 2-3103 to 2-3108, Reissue Revised Statutes of Nebraska; to change provisions relating to registration, inspections, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 397 to Select File

Mr. Beutler moved to return LB 397 to Select File for the following specific amendment:
AM2011
1. On page 5, line 25, after the period insert "This forfeiture provision is supplemental and shall not preclude a borrower from pursuing any other remedy available under law.".

Mr. Beutler withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 397.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-101.04, Revised Statutes Supplement, 1994; to provide for reverse mortgage loans; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 5:

Avery
Bernard-Stevens
Crosby
Kristensen
Matzke

Present and not voting, 3:

Schimek
Vrtiska
Wickersham

Excused and not voting, 7:

Chambers
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 609

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1975, to reconsider the vote on final passage of LB 609.

The Bernard-Stevens motion to reconsider prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 609.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud
Avery
Bernard-Stevens
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Matzke
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Withem

Voting in the negative, 6:

Beutler
Bromm
Maurstad
Warner
Wesely
Wickersham

Present and not voting, 9:

Bohlke
Brashear
Brown
Elmer
Hillman
Jones
Preister
Robak
Schrock

Excused and not voting, 6:

Chambers
Lindsay
McKenzie
Pirsch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 389. E & R amendment, AM7145, found in the Journal on page 2011, was adopted.

Mr. Wehrbein and Mrs. Hillman renewed their pending amendment, AM2077, found in the Journal on page 2067.

The Wehrbein-Hillman amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 390. E & R amendment, AM7146, found in the Journal on page 2011, was adopted.

Mr. Wehrbein and Mrs. Hillman renewed their pending amendment, AM2078, found in the Journal on page 2066.

The Wehrbein-Hillman amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 671, 772, 774, 118, 120, 193, 199, 291, 356, 397, and 609.

SELECT FILE

LEGISLATIVE BILL 392. E & R amendment, AM7144, found in the Journal on page 2012, was adopted.

Mr. Avery asked unanimous consent to replace his pending amendment, AM1984, found in the Journal on page 2000, with a substitute amendment.

Mr. Bernard-Stevens objected.

Mr. Avery passed over his pending amendment, AM1984, found in the Journal on page 2000.

Mr. Bernard-Stevens renewed his pending amendment, AM1999, found in the Journal on page 2000.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM1999, found in the Journal on page 2000, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM1999, found in the Journal on page 2000.

Mr. Bernard-Stevens renewed his pending substitute amendment, AM2052, found in the Journal on page 2031.

MR. HALL PRESIDING

Mses. Schimek, Day, Mrs. Stuhr, Messrs. Dierks, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Bernard-Stevens renewed his pending amendment, AM1987, found in the Journal on page 2000.

SPEAKER WITHEM PRESIDING

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud
Avery
Bohlke
Chambers
Crosby
Cudaback
Dierks
Fisher
Hall
Janssen
Jones
Kristensen
Landis
Lynch
Pedersen
Preister
Schimek
Schmitt
Vrtiska
Wesely
Withem

Voting in the negative, 15:

Brashear
Bromm
Brown
Coordsen
Elmer
Engel
Hillman
Hudkins
Jensen
Matzke
Maurstad
Robinson
Warner
Wehrbein
Wickersham

Present and not voting, 6:

Bernard-Stevens
Beutler
Day
Robak
Schellpeper
Schrock

Excused and not voting, 7:

Hartnett
Lindsay
McKenzie
Pirsch
Stuhr
Will
Witek

The Bernard-Stevens amendment lost with 21 ayes, 15 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, FA193, found in the Journal on page 2001, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, FA193, found in the Journal on page 2001.

Messrs. Hall, Abboud, Lindsay, Jensen, Pedersen, Preister, Hartnett, Mmes. Witek, and Pirsch offered the following substitute amendment:
AM2122

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: To reallocate $100,000 funding for a Dean of Engineering at the University of Nebraska at Omaha campus.

AMENDMENT:

1. On page 89, line 20, strike "$935,000" and insert "$835,000"; in line 21 strike "$1,570,000" and insert "$1,470,000"; and in lines 26 and 27, strike "$1,814,000" and insert "$1,914,000".

2. On page 90, line 3, after "including" insert "a dean and"; and after line 4 insert the following new paragraph:

"The appropriation to this program shall not be construed as implying any legislative direction to the Coordinating Commission for Postsecondary Education or as being any indication of legislative intent on the performance of its constitutional duties. It shall not be construed to affect the commission's consideration of new programs or colleges or to affect its constitutional prerogative pursuant to Article VII, section 14, of the Constitution of Nebraska.".

Mr. Chambers moved to bracket LB 392 until May 11, 1995.

Mr. Chambers withdrew his motion to bracket.

Messrs. Landis, Elmer, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on the Hall et al. amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 7:

Abboud	Jensen	Preister	Robinson	Will
Hall	Pedersen			

Voting in the negative, 30:

Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Engel
Fisher
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 6:

Bernard-Stevens
Brown
Chambers
Dierks
Lynch
Withem

Excused and not voting, 6:

Avery
Elmer
Hartnett
Lindsay
Pirsch
Witek

The Hall et al. amendment lost with 7 ayes, 30 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 429. E & R amendment, AM7150, found in the Journal on page 2059, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 89. E & R amendment, AM7151, found in the Journal on page 2059, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 89A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 311. Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 438 and 581.

Correctly Engrossed

The following bill was correctly engrossed: 490.

Enrollment and Review Change to LB 490

The following changes, required to be reported for publication in the Journal, have been made:
ER9072

1. Original section 175 and all amendments thereto have been struck and the following new section inserted:

"Sec. 194. Original sections 23-1611, 46-133, 77-202.02, 77-202.04, 77-202.05, 77-202.06, 77-202.07, 77-202.08, 77-202.25, 77-367, 77-369, 77-371, 77-376, 77-415, 77-416, 77-418, 77-419, 77-420, 77-421, 77-425, 77-428, 77-508.01, 77-601, 77-602, 77-605, 77-606, 77-607, 77-608, 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-801, 77-802, 77-803, 77-804, 77-1216, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04, 77-1250.05, 77-1301.02, 77-1301.03, 77-1301.04, 77-1301.06, 77-1301.08, 77-1301.14, 77-1301.15, 77-1306.01, 77-1314, 77-1325, 77-1329, 77-1330, 77-1331, 77-1332, 77-1334, 77-1336, 77-1339, 77-1340, 77-1346, 77-1371, 77-1507, 77-1510.01, 77-1511, 77-1513, 77-1515, 77-1606, 77-1613.02, 77-1615.01, 77-1623, 77-1704.01, 77-1705, 77-1738, 77-1749, 77-1750, 77-1760, 77-1763, 77-1766, 77-3519, 77-3902, 77-3903, 77-3907, 77-3908, 79-3809, 79-3819, 79-3823, 81-15,102.01, 81-15,113.01, and 84-920, Reissue Revised Statutes of Nebraska, sections 13-504, 18-2713, 76-214, 77-120, 77-202.01, 77-202.03, 77-366, 77-375, 77-399, 77-3,113, 77-3,114, 77-507.01, 77-508, 77-509, 77-603, 77-604, 77-615, 77-680, 77-681, 77-682, 77-683, 77-684, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-1229, 77-1233.04, 77-1239, 77-1239.01, 77-1239.02, 77-1240.01, 77-1240.04, 77-1248, 77-1249, 77-1301.01, 77-1301.07, 77-1301.12, 77-1301.13, 77-1311, 77-1327, 77-1333, 77-1342, 77-1360.01, 77-1361, 77-1362, 77-1363, 77-1364, 77-1367, 77-1376, 77-1377, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1613.01, 77-1735, 77-1736.06, 77-1775, 77-1775.01, 77-3438, 77-3904, 77-3905, and 77-3906, Revised Statutes Supplement, 1994, section 77-1716, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995, section 77-1601, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 167, Ninety-fourth Legislature, First Session, 1995, and section 16, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995, are repealed.".

2. In the Kristensen amendment, AM1673:

a. On page 5, line 21, a comma has been inserted after "Session";

b. On page 10, line 13, the second comma has been struck and shown as stricken;

c. On page 16, line 17, the first "Section" has been struck and "Sec." inserted; and in line 20 the underscoring has been removed;

d. On page 33, line 10, "36" has been struck and "37" inserted; and

e. On page 34, line 1, "commissioner" has been struck and "Commissioner" inserted; and in line 8 a period has been inserted after "1".

3. In the Kristensen-Hall amendment, AM1911, on page 1, line 11, "day" has been struck and "way" inserted.

4. In the Kristensen amendment, AM1609:

a. Section 14 has been renumbered as section 13;

b. On page 1, line 20, "21" has been struck and "19" inserted; and

c. On page 2, lines 1 and 15, "is" has been struck and "are" inserted.

5. The matter beginning with page 1, line 3, through page 2, line 23, has been struck and "77-202.06, 77-202.07, 77-202.08, 77-202.25, 77-367, 77-369, 77-371, 77-376, 77-415, 77-416, 77-418, 77-419, 77-420, 77-421, 77-425, 77-428, 77-508.01, 77-601, 77-602, 77-605, 77-606, 77-607, 77-608, 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-801, 77-802, 77-803, 77-804, 77-1216, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04, 77-1250.05, 77-1301.02, 77-1301.03, 77-1301.04, 77-1301.06, 77-1301.08, 77-1301.14, 77-1301.15, 77-1306.01, 77-1314, 77-1325, 77-1329, 77-1330, 77-1331, 77-1332, 77-1334, 77-1336, 77-1339, 77-1340, 77-1346, 77-1371, 77-1507, 77-1510.01, 77-1511, 77-1513, 77-1515, 77-1606, 77-1613.02, 77-1615.01, 77-1623, 77-1704.01, 77-1705, 77-1738, 77-1749, 77-1750, 77-1760, 77-1763, 77-1766, 77-3519, 77-3902, 77-3903, 77-3907, 77-3908, 79-3809, 79-3819, 79-3823, 81-15,102.01, 81-15,113.01, and 84-920, Reissue Revised Statutes of Nebraska, sections 13-504, 18-2713, 76-214, 77-120, 77-202.01, 77-202.03, 77-366, 77-375, 77-399, 77-3,113, 77-3,114, 77-507.01, 77-508, 77-509, 77-603, 77-604, 77-615, 77-680, 77-681, 77-682, 77-683, 77-684, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-1229, 77-1233.04, 77-1239, 77-1239.01, 77-1239.02, 77-1240.01, 77-1240.04, 77-1248, 77-1249, 77-1301.01, 77-1301.07, 77-1301.12, 77-1301.13, 77-1311, 77-1327, 77-1333, 77-1342, 77-1360.01, 77-1361, 77-1362, 77-1363, 77-1364, 77-1367, 77-1376, 77-1377, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1613.01, 77-1735, 77-1736.06, 77-1775, 77-1775.01, 77-3438, 77-3904, 77-3905, and 77-3906, Revised Statutes Supplement, 1994, section 77-1716, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995, section 77-1601, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 167, Ninety-fourth Legislature, First Session, 1995, and section 16, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995; to adopt the Tax Equalization and Review Commission Act; to create the position of Property Tax Administrator; to transfer certain powers and duties of the Tax Commissioner and Department of Revenue to the Property Tax Administrator; to change and eliminate provisions relating to

assessment, valuation, and taxation of property; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 77-1373, 77-1747, 77-1751, 77-1752, 77-1753, 77-1754, 77-1755, 77-1755.01, 77-1756, 77-1757, 77-1758, 77-1768, 77-1769, and 77-1770, Reissue Revised Statutes of Nebraska, and sections 77-1372 and 77-1506.02, Revised Statutes Supplement, 1994." inserted.

6. On page 9, line 16, "is not" has been struck and "shall not be" inserted.
7. On page 26, line 5, an underscored comma has been inserted after "property" and after "vehicles".
8. On page 81, line 16, the commas have been struck and shown as stricken.
9. On page 92, line 5; and page 93, line 4, "department" has been struck, shown as stricken, and "Property Tax Administrator" inserted.
10. On page 113, line 8, "Administrative Procedure Act" has been struck, shown as stricken, and "Tax Equalization and Review Commission Act" inserted.
11. On page 141, line 13, "171" and all amendments thereto have been struck and "190" inserted.

(Signed) David I. Maurstad, Chairperson

MESSAGE FROM THE GOVERNOR

May 10, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 303, 146, 146A, 385, and 514 were received in my office on May 4, 1995; Engrossed Legislative Bills 330, 538, 572, 872, 309, 598 and 669 were received on May 9, 1995.

These bills were signed by me on May 10, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2118

(Amendments to Final Reading copy)

1. On page 7, line 23, after "credit" insert ". The six-month requirement shall not apply to a producer who is unable to maintain production at such rate for the six-month period due to a force majeure or equipment failure which occurs notwithstanding the good faith efforts of the producer".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 325A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 1995, at 10:40 a.m., were the following bills: 609, 671, 772, 774, 118, 120, 193, 199, 291, 356, and 397.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 115. Introduced by Dierks, 40; Vrtiska, 1.

PURPOSE: To study state laws and relevant issues regarding the use and regulation of agricultural land which is adjacent to or in close proximity of areas of urban growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Anne Doering from Franklin; 56 fourth grade students, teacher, and sponsor from Golden Hills Elementary, Omaha; 40 fourth grade students and sponsor from Jefferson Elementary, Norfolk; 50 fifth grade students and teacher from Lincoln School, Fremont; and 58 third grade students and teachers from St. Paul.

RECESS

At 12:05 p.m., on a motion by Mr. Maurstad, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Avery, Hall, Kristensen, Landis, Lindsay, Schmitt, Will, Mmes. Bohlke, Hudkins, Robak, and Witek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 473, 535, 567, 729, and 762.

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 425. The Bernard-Stevens pending amendment, FA200, found in the Journal on page 2031 and reoffered on page 2034, to the third Engel-Wickersham pending amendment, FA203, found in the Journal on page 2033, was renewed.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?"

Mr. Wickersham moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Bernard-Stevens requested a record vote on his amendment.

Voting in the affirmative, 12:

Bernard-Stevens
Beutler
Chambers
Elmer
Hall
Janssen
Jones
Preister
Schellpeper
Schimek
Stuhr
Withem

Voting in the negative, 20:

Abboud
Brashear
Brown
Coordsen
Crosby
Day
Engel
Fisher
Hillman
Jensen
Matzke
Maurstad
Robinson
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 7:

Bromm
Cudaback
Dierks
Hartnett
Lynch
McKenzie
Pedersen

Excused and not voting, 10:

Avery
Bohlke
Hudkins
Kristensen
Landis
Lindsay
Pirsch
Robak
Will
Witek

The Bernard-Stevens amendment lost with 12 ayes, 20 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad renewed his pending amendment, FA204, found in the Journal on page 2036, to the third Engel-Wickersham pending amendment.

Mr. Maurstad withdrew his amendment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The third Engel-Wickersham amendment, FA203, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Maurstad and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA128, found in the Journal on page 1517, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA128, found in the Journal on page 1517.

Mr. Chambers offered the following substitute amendment:
FA214
Amendment to E&R Amendments, AM7107
1. On page 4, strike beginning with "No" on line 23 through line 26 and insert "A qualified business which employs more than one hundred employees shall not be eligible for any loan or grant from the fund, either directly or indirectly through communities. This restriction shall not prohibit a community from receiving a grant for a community improvement project which may include utility or transportation infrastructure and which is consistent with the purposes of this act."
2. On page 5, in line 2, strike "two" and insert "one", and in line 3, strike "and fifty".
Amendment to AM1738 (Wickersham Amendment)
3. On page 1, strike beginning with "in" in line 3 through line 10.

MR. HALL PRESIDING

Messrs. Lynch and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 13:

Bernard-Stevens
Coordsen
Crosby
Cudaback
Elmer
Hall
Janssen
Jones
Maurstad
Schellpeper
Schmitt
Stuhr
Withem

Voting in the negative, 19:

Abboud
Brashear
Bromm
Brown
Engel
Fisher
Hillman
Jensen
Matzke
Pedersen
Preister
Robinson
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will

Present and not voting, 7:

Beutler
Chambers
Dierks
Hartnett
Lindsay
McKenzie
Schimek

Excused and not voting, 10:

Avery
Bohlke
Day
Hudkins
Kristensen
Landis
Lynch
Pirsch
Robak
Witek

The Chambers amendment lost with 13 ayes, 19 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved to bracket LB 425 to January 3, 1996.

Messrs. Abboud, Jones, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Beutler requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Bernard-Stevens
Beutler
Chambers
Coordsen
Crosby
Elmer
Hall
Kristensen
Lynch
Maurstad
Preister
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Will
Withem

Voting in the negative, 17:

Abboud
Bohlke
Brashear
Bromm
Cudaback
Dierks
Engel
Fisher
Hillman
Lindsay
Matzke
Pedersen
Robak
Robinson
Schellpeper
Vrtiska
Wesely

Present and not voting, 7:

Brown
Hartnett
Janssen
Jensen
McKenzie
Schimek
Wickersham

Excused and not voting, 7:

Avery
Day
Hudkins
Jones
Landis
Pirsch
Witek

The Beutler motion to bracket lost with 18 ayes, 17 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Introduced by Hillman, 48; Wickersham, 49.

PURPOSE: The purpose of this resolution is to study the funding and governance of the Nebraska community colleges and the Nebraska state colleges.

The study will examine the impact of shifting funding for the community colleges from a combination of general funds and local property taxes to full state funding.

The study will also examine what changes, if any, are necessary in state law or policy that would make governance of the community colleges and state colleges more efficient. The study should examine options for change in the structure of governance of these sectors of postsecondary education, including models from other states, to evaluate possible efficiencies in combining the two sectors under a single governing body.

A change in the role and mission of the community colleges and state colleges is not anticipated to be part of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117. Introduced by Hillman, 48; Day, 19; Bernard-Stevens, 42.

PURPOSE: The purpose of this resolution is to study the protection order provisions of the Protection from Domestic Abuse Act. Domestic and family abuse is a pervasive and frequently lethal problem that challenges society at every level. It threatens the stability of the family and negatively impacts on all family members. It violates our communities' safety, health, welfare, and economies by draining many dollars annually in social costs. Domestic violence requires strong public policy which begins with appropriate legislation to that end.

The study shall examine: authority of the courts to order comprehensive relief in protection orders; accessibility of protection orders for victims in rural and urban areas and jurisdictions, and ability of law enforcement officers and the courts to effectively intervene in domestic violence situations and provide safety for victims and their children.

As part of the study, the committee shall examine, but not be limited to: expanding the definition of family or household; providing mandatory arrest if a person violates a condition of bond and the crime is related to domestic assault; expanding the relief available ex parte to include temporary custody and removal from premises; expanding the relief available after notice and hearing to include visitation and support; providing for an emergency order to be issued twenty-four hours a day; eliminating the filing and service costs for obtaining a protection order; revising the process for scheduling a hearing and clarifying when hearings are required; allowing law enforcement officers to verbally notify a respondent, in the event he or she has not yet been served with the order, that a protection order has been issued and that he or she will be arrested immediately upon violation of the order; and establishing a state registry of protection orders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118. Introduced by Preister, 5; Chambers, 11; Hall, 7; Landis, 46; Beutler, 28; Will, 8; Jensen, 20; Lindsay, 9; Crosby, 29; Wesely, 26; Hartnett, 45; Pedersen, 39; Schimek, 27.

PURPOSE: This study shall examine the rating practices of automobile insurance premiums. Specifically, this study shall examine:

1. The regulation of automobile insurance premium rating including an examination of territorial rating practices;
2. What restrictions other states have placed on automobile insurance premium rating practices and the resulting impact on rates and availability of insurance services;
3. Whether the Legislature should enact restrictions on and require greater regulation of territorial premium rating practices by automobile insurance companies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119. Introduced by Preister, 5; Pedersen, 39; Jensen, 20.

PURPOSE: This study shall examine the relationship of tobacco products to minors. Specifically this study shall:

1. Review current literature on the health and economic effects of tobacco use by minors;
2. Study statutory plan, regulatory plan, and other means of curtailing the need or desire for tobacco products by minors; and
3. Study and explore statutory plan, regulatory plan, and other means of eliminating the purchase and theft of tobacco products by minors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee and the Judiciary Committee of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM2038

1. Insert the following new sections:

"Section 1. Section 9-1,102, Reissue Revised Statutes of Nebraska, is amended to read:

9-1,102. On or before ~~January 1, 1991~~ the effective date of this act, there shall be established a commission to be known as the Gaming Commission. ~~The purpose of the commission shall be to regulate all gambling activity authorized by the laws of the State~~

~~of Nebraska.~~

The Gaming Commission shall consist of five members who shall be appointed by the Governor, with the approval of a majority of the members of the Legislature. The members of the commission shall serve terms of four years which shall be staggered such that three persons will be appointed to serve two-year initial terms and two persons shall be appointed to serve four-year initial terms. All subsequent terms shall be for four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term. Such appointee shall be a member of the same political party and a resident of the same congressional district as his or her predecessor. A member of the commission may be removed from office by the Governor for malfeasance, misfeasance, or willful neglect of duty in office. The members of the commission shall annually choose one member to act as chairperson. A majority of the commission shall constitute a quorum to transact business. No more than three members of the commission shall be members of the same political party, and no more than two members of the commission shall be residents of the same congressional district. The members of the commission shall be provided with compensation to be determined by the Legislature and shall be reimbursed for their actual expenses incurred in the performance of their duties. The members of the commission shall be bonded under a blanket surety bond.

No person who has any beneficial financial interest in any person, corporation, or entity which holds a license for any type of gaming or is involved in the conduct of any type of gaming activity regulated pursuant to the laws of the State of Nebraska, or who has a member of his or her immediate family which has any such beneficial financial interest, or who is employed by the Tax Commissioner or the Department of Revenue, or who is an immediate family member of the Tax Commissioner or has an immediate family member employed by the Department of Revenue shall be eligible to be a member of the Gaming Commission.

Sec. 2. The Gaming Commission shall have the following powers and duties:

(1) To oversee all gaming activities conducted pursuant to Chapter 9 and direct the regulatory activities of the Department of Revenue relating to gaming activities in the State of Nebraska;

(2) To adopt standards for gaming activities in the State of Nebraska;

(3) To investigate issues related to gaming, to conduct hearings, to issue subpoenas for the attendance of witnesses and the production of records, books, and documents, to require testimony under oath, and such other activities necessary to determine the appropriate regulation of gaming in the State of Nebraska;

(4) To keep and maintain records concerning gaming activities;

(5) To make recommendations to the Legislature concerning the appropriate conduct and regulation of gaming activities; and

(6) To do all things necessary and proper to maintain the integrity and appropriately regulate the conduct of gaming activities in the State of Nebraska.

Sec. 3. The Department of Revenue shall provide administrative and clerical functions for the Gaming Commission and shall regulate all gaming activities in the State of Nebraska and conduct all regulatory functions required by law or rules and regulations.".

2. On page 83, line 21, after "sections" insert "9-1,102,".

3. Renumber the remaining sections and correct internal references accordingly.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Wednesday, May 24, 1995 1:15 p.m.

Matt Pelzer - Nebraska Advisory Commission on Compulsive Gambling

William Skarda - Nebraska Liquor Control Commission

(Signed) Stan Schellpeper, Chairperson

SELECT FILE

LEGISLATIVE BILL 425. Messrs. Wickersham and Engel renewed their pending amendment, AM1739, found in the Journal on page 1791.

Mr. Chambers offered the following amendment to the Wickersham-Engel pending amendment:

FA215

Amend Wickersham Amend (AM1739)

Strike lines 1-3.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 18:

Abboud	Brown	Janssen	Preister	Warner
Bernard-Stevens	Chambers	Lindsay	Schellpeper	Wesely
Beutler	Cudaback	Maurstad	Schimek	Will
	Hall	McKenzie	Stuhr	

Voting in the negative, 21:

Bohlke
Brashear
Bromm
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hillman
Hudkins
Kristensen
Lynch
Matzke
Robak
Robinson
Schrock
Vrtiska
Wehrbein
Wickersham

Present and not voting, 6:

Avery
Hartnett
Jensen
Jones
Schmitt
Withem

Excused and not voting, 4:

Landis
Pedersen
Pirsch
Witek

The Chambers amendment lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Wickersham-Engel amendment.

Mr. Wickersham requested the roll call vote be taken in reverse order.

Voting in the affirmative, 27:

Abboud
Avery
Bohlke
Brashear
Bromm
Crosby
Day
Dierks
Engel
Fisher
Hartnett
Hillman
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Warner
Wesely
Wickersham

Voting in the negative, 9:

Bernard-Stevens
Beutler
Chambers
Hall
Janssen
Lindsay
Maurstad
Preister
Will

Present and not voting, 8:

Brown
Coordsen
Cudaback
Hudkins
Schellpeper

Vrtiska Wehrbein Withem

Excused and not voting, 5:

Elmer Landis Pedersen Pirsch Witek

The Wickersham-Engel amendment was adopted with 27 ayes, 9 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Engel asked unanimous consent to pass over LB 425. No objections. So ordered.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

AM1369

1. Insert the following new section:

"Sec. 17. Section 79-3407, Reissue Revised Statutes of Nebraska, is amended to read:

79-3407. (1) Except as provided in section 79-3409, the school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include disciplinary actions, proceedings, or sanctions, if such actions, proceedings, or sanctions are current at the time of application, the capacity of a program, class, grade level, or school building, or the availability of appropriate special education programs operated by the option district. Capacity shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

(2) A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may adopt standards for acceptance and rejection of applications for transfer into or out of such district which are designed to make desegregation easier to maintain or improve.

Desegregation is made easier to maintain or improve by standards which, considering all requests for transfer into or out of the school district received prior to the school district's application deadline established in conformity with section 79-3406 or 79-3409, prohibit transfers which if granted would increase the racial percentage in the school district's total enrollment of the minority group for whom the desegregation plan was ordered or adopted. Any such standards may apply to students residing within the school district who seek to transfer to a school in another school district and to students who reside in another district who seek to transfer into a school district which has a desegregation plan.

(3) Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district and to siblings of option students, except that the option school district shall not be required to accept the sibling of an option student if the district is at capacity except as provided in subsections (2) and (4) of section 79-3409.

(4) For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.".

2. On page 36, line 4, after the third comma insert "79-3407,".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 140, 391, 393, 395, 459, 483, and 732.

Enrollment and Review Change to LB 391

The following changes, required to be reported for publication in the Journal, have been made:
ER9073

1. In the Standing Committee amendments, AM1756:

a. Sections 48 and 51 have been renumbered as sections 49 and 43, respectively;

b. On page 1, line 5, "Norfolk Veterans Home" has been struck and "Nebraska Veterans' Home Annex" inserted;

c. On page 7, line 14, "$772,500" has been struck and "$696,000" inserted; and in line 15 "$956,000" has been struck and "$852,200" inserted;

d. On page 8, line 19, "State College Buildings" has been inserted before "Renovation";

e. On page 9, line 22, the comma has been struck; in line 23 "in" has been inserted after "Nebraska"; and in line 24 the second comma has been struck; and

f. On page 11, line 15, "both occurrences of" has been inserted after "strike".

2. Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41 have been renumbered as sections 38, 40, 44, 37, 39, 41, 45, 46, 48, 42, and 47, respectively.

3. On page 2, line 18, "STATE ACCOUNTING" has been struck and "NEBRASKA ACCOUNTING SYSTEM" inserted; and in line 19 "State Accounting" has been struck and "Nebraska Accounting System" inserted.

4. On page 4, line 25, "in FY1996-97" has been inserted after "$10,000".

5. On page 5, line 9, "Omaha" has been struck and "Douglas County" inserted.

6. On page 7, lines 13 and 19, "Nebraska" has been inserted before "Emergency".

7. On page 17, line 9, "No." has been inserted after "Program".

8. On page 25, line 9, "Nebraska-Kearney" has been struck and "Nebraska at Kearney" inserted; the matter beginning with "Nebraska" in line 23 through "Lincoln" in line 24 and all amendments thereto have been struck and "Nebraska-Lincoln" inserted; in line 24 the comma has been struck; in line 26 "in" has been inserted after the first "Nebraska"; and in line 27 the comma has been struck.

9. On page 27, line 24, the comma has been struck; in line 25 "in" has been inserted after "Nebraska"; and in line 26 the second comma has been struck.

10. On page 31, line 11, "for the" has been inserted after "Services"; and in line 13 "at Curtis" has been inserted after "Agriculture".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 189. Passed over.

LEGISLATIVE BILL 871. E & R amendment, AM7109, found in the Journal on page 1588, was adopted.

Mr. Elmer withdrew his amendment, AM1748, found in the Journal on page 1789.

Mr. Beutler withdrew his amendment, AM1789, found in the Journal on page 1817.

Messrs. Elmer and Bromm withdrew their amendments, AM1967, AM1997, and AM2051, found in the Journal on pages 1980, 1997, and 2050.

Mr. Beutler moved to indefinitely postpone LB 871.

Laid over.

Mr. Lynch and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 646. E & R amendment, AM7120, found in the Journal on page 1744, was adopted.

SPEAKER WITHEM PRESIDING

Messrs. Kristensen, Lindsay, and Hall renewed their pending amendment, AM1963, found in the Journal on page 1984.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

The Kristensen et al. amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Hartnett withdrew his amendment, AM1631, found in the Journal on page 1659.

Mr. Hartnett offered the following amendment:
AM1688

(Amendments to E & R amendments, AM7120)

1. On page 4, line 1, after the period insert "No member appointed to the Indigent Defense Task Force established by the Chief Justice of the Nebraska Supreme Court in September 1992 may serve as a member of the commission before January 1, 1999.".

2. On page 5, line 26, after the period insert "No member appointed to the Indigent Defense Task Force established by the Chief Justice of the Nebraska Supreme Court in September 1992 may serve as the chief counsel of the commission before January 1, 1999.".

3. On page 6, line 25, after "them" insert ". No member appointed to the Indigent Defense Task Force established by the Chief Justice of the Nebraska Supreme Court in September 1992 may serve as an employee of the commission before January 1, 1999".

Mr. Hartnett withdrew his amendment.

Mr. Will withdrew his amendment, AM1870, found in the Journal on page 1956.

Mr. Beutler offered the following amendment:
AM2155

(Amendments to E & R amendments, AM7120)

1. Insert the following new section:

"Sec. 13. After June 30, 1999, no county shall receive assistance under the County Revenue Assistance Act unless it has a full-time public defender or unless it has entered into an interlocal cooperation agreement with one or more other counties to provide for a full-time public defender.".

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 10:

Abboud
Bernard-Stevens
Beutler
Crosby
Hillman
Jensen
Preister
Schimek
Wesely
Will

Voting in the negative, 17:

Avery
Bohlke
Cudaback
Dierks
Engel
Hall
Hartnett
Hudkins
Jones
Kristensen
Maurstad
Schellpeper
Schmitt
Stuhr
Vrtiska
Warner
Wickersham

Present and not voting, 15:

Bromm
Brown
Chambers
Coordsen
Day
Elmer
Fisher
Janssen
Lindsay
Matzke
McKenzie
Robinson
Schrock
Wehrbein
Withem

Excused and not voting, 7:

Brashear
Landis
Lynch
Pedersen
Pirsch
Robak
Witek

The Beutler amendment lost with 10 ayes, 17 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

FA216
On page 5, line 17, strike "fourteen" and insert "seventeen"

Mrs. McKenzie and Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

(Amendment, AM2114, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wickersham asked unanimous consent to print the following amendment to LB 700 in the Journal. No objections. So ordered.

(Amendment, AM2150, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were a group of municipal clerks from southeast Nebraska; 48 fourth grade students, teacher, and sponsor from West Lawn Elementary, Grand Island; 77 fourth grade students and sponsors from Arbor Park Middle School, Blair; Senator Schellpeper's daughter, Nancy Morfeld, from Stanton; and Jane Graff from Seward.

The Doctor of the Day was Bill Doering from Franklin.

ADJOURNMENT

At 6:55 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 8:30 a.m., Thursday, May 11, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-EIGHTH DAY - MAY 11, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 11, 1995

Pursuant to adjournment, the Legislature met at 8:32 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Kevin Workman, Berean Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Chambers, Coordsen, Hall, Lindsay, Warner, Wickersham, Will, Mmes. Bohlke, Brown, McKenzie, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

COMMUNICATION

Received a copy of Senate Concurrent Resolution 1006 from the State of Arizona declaring sovereignty of the state and people under the 10th Amendment of the Constitution of the United States.

REPORT

The following report was received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)
- Quarterly Report - 1992 Series A and B Community Development Loan Notes (City of Lincoln) Program (Neb. Rev. Stat. § 58-270(4))

COMMUNICATION

May 10, 1995

Senator Ron Withem
Speaker of the Legislature
1112 State Capitol
Lincoln, Nebraska 68509

Dear Senator Withem:

Pursuant to Neb. Rev. Stat. § 24-810(2)(d) (Cum. Supp. 1992), I wish to report that on May 10, 1995, in the State Capitol, Lincoln, Lancaster County Nebraska, the Judicial Resources Commission met at 10:00 a.m. After hearing evidence concerning the vacancy by reason of the retirement of Judges Donald Grant and Richard Williams, the Resources Commission, by a majority vote, determined that two vacancies exist in the office of County Judge for the State of Nebraska in and for the 3rd Judicial District, effective July 31, 1995.

I have reported to the Clerk of the Supreme Court, who will inform the Chairman of the appropriate Nominating Commission that he may, pursuant to the provisions of Neb. Rev. Stat. § 24-809.01 et seq. (Cum. Supp. 1992), commence the nominating and selection process.

In addition, by a majority vote of those present, the Commission declared that there is a critical need for an additional district judge in the 2nd and 3rd judicial district.

Sincerely,
(Signed) William M. Connolly

WMC:dk

cc: Honorable Alan Brodbeck, Secretary
Judicial Resources Commission
Judith Schweikart, Vice Chairperson
Judicial Resources Commission
Lanet Asmussen, Clerk
Nebraska Supreme Court

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

PRESIDENT ROBAK PRESIDING

Messrs. Vrtiska and Bromm renewed their pending amendment, AM0427, found in the Journal on page 1072.

The Vrtiska-Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Bromm withdrew his amendments, AM0839 and AM0952, found in the Journal on page 1118.

Mrs. Witek offered the following amendment:
AM2160

1. On page 8, line 8, after the period insert "All costs of having a special master shall be paid equally by the parties.".

Mrs. Witek withdrew her amendment.

Mr. Abboud moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Coordsen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud
Bernard-Stevens
Beutler
Brashear
Bromm
Crosby
Cudaback
Day
Elmer
Hall
Hartnett
Janssen
Landis
Lynch
Matzke
Maurstad
Preister
Robinson
Schellpeper
Schimek
Schrock
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 11:

Avery
Coordsen
Dierks
Fisher
Jensen
Kristensen
Pedersen
Pirsch
Robak
Stuhr
Witek

Present and not voting, 7:

Brown
Engel
Hillman
Hudkins
Jones
Schmitt
Wehrbein

Excused and not voting, 6:

Bohlke
Chambers
Lindsay
McKenzie
Wickersham
Will

Advanced to E & R for review with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 584. Title read. Considered.

Standing Committee amendment, AM1189, printed separately from the Journal and referred to on page 1447, was considered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2156

(Amendments to AM2114)

1. Strike section 2 and all amendments thereto and insert the following new section:

"Sec. 2. (1) The Legislature finds that the funding system for special education programs and support services should be neutral as to identification and programming of programs and support services for students with handicaps and students needing support services. Further, the Legislature finds that the funding system for special education programs and support services for students with handicaps and students needing support services should encourage programs and services that are consistent with sound education practice, preventive, and, when appropriate, integrated with regular education services. Educational services for students with handicaps and students needing support services should be driven by educational needs rather than state funding formulas.

(2) It is the intent of the Legislature that, beginning with school year 1998-99, there shall be implemented a new funding system to replace the existing excess cost reimbursement provisions for the funding of special education programs and support services offered by school districts, educational service units, and approved cooperatives. The new funding system shall be identification and program neutral, assure that adequate resources are available to meet the needs of handicapped students and students needing support services, and provide for equity in special education programs and support services to students regardless of the district in which students reside. Further, the new funding system should be designed so that average annual special education costs increase at a rate no greater than the average annual growth rate of general education. State funding should be made available to meet the needs of handicapped students and students needing support services without the requirement that such students be identified and verified as students with

disabilities as defined in the Special Education Act and the Individuals With Disabilities Education Act and rules and regulations adopted and promulgated pursuant to such acts.

(3) The Legislature recognizes that the shift from an excess cost reimbursement funding formula to a new funding system which meets the intent stated in subsections (1) and (2) of this section for special education programs and support services raises several issues which demand further examination and public discussion prior to implementation, including (a) how to establish the basis for distribution of state funding, (b) how to provide for the financial support of students with extremely disabling conditions and extraordinary needs which result in high costs to school districts beyond the districts' ability to reasonably provide for special education programs and support services utilizing block grant support and local resources, (c) how to establish the state funding level, (d) how to assure that funding for special education programs and support services is maintained at the same levels of growth or decline as funding levels of general education, (e) how to establish educational practices for delivery of quality special education programs and support services, (f) how the new funding system should be integrated with general state aid to be consistent with the principles of student and taxpayer equity underlying the state's equalization aid program, (g) how to phase in the new funding system to minimize financial impacts on school districts, (h) how accountability for appropriate educational needs shall be established for school districts, educational service units, or approved cooperatives to qualify for the new funding system, and (i) how the State Department of Education can integrate the administration of the new funding system to eliminate duplication in aid payments, accounting, and reporting of expenditures. It is the intent of the Legislature that these issues shall be addressed by the Special Education Accountability Commission in consultation with the School Finance Review Committee, the State Department of Education, and the Committee on Education of the Legislature. The Committee on Education of the Legislature and the Special Education Accountability Commission shall receive written proposals for alternative funding systems for special education services which meet the goals stated in subsections (1) and (2) of this section from any individual, agency, or group until January 15, 1996.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 120. Introduced by Dierks, 40.

PURPOSE: To examine permit requirements to sell tractors in the State of Nebraska to determine whether such permit requirements put Nebraska tractor dealers at a competitive disadvantage. The study shall also examine whether the role and mission of the Nebraska Tractor

Testing Lab is appropriate in today's economic and regulatory environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121. Introduced by Dierks, 40.

PURPOSE: To examine laws governing the provision of free transportation or a transportation allowance to public school students. The study shall specifically examine whether such laws should be updated with respect to affiliation, patterns of utilization of transportation services provided, and litigation involving transportation statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122. Introduced by Dierks, 40.

PURPOSE: To examine the Grain Dealers Act to determine whether any updates or other improvements are needed to secure the position of grain producers in grain transactions. The study will specifically examine whether the act's bonding requirements should be expanded to cover parties acting as agents for producers in grain transactions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123. Introduced by Schmitt, 41.

PURPOSE: To study the operating structure and legal authority of diversion programs for traffic offenses, including, but not limited to, a detailed examination of the statutes under which traffic diversion programs are established, the allocation of fees paid by diversion program participants in lieu of traffic fines, the feasibility of a statewide computerized registration system for diversion program participants, and assessment of the need for state oversight and development of a standardized curriculum, course length, and fee schedule for traffic diversion programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124. Introduced by Jones, 43.

PURPOSE: To examine the provisions of adverse possession found in section 25-202.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 392. Messrs. Robinson, Jensen, Abboud, Coordsen, Dierks, Cudaback, Jones, Vrtiska, Mmes. Hudkins, Stuhr, Bohlke, and McKenzie moved to bracket to May 17, 1995.

Mr. Warner offered the following amendment to the Robinson et al. motion to bracket:
FA217

Amend the Robinson bracket motion to LB 392

WHEREAS, An Attorney General's Opinion, dated April 15, 1987, approved a proposal that would explicitly provide that appropriations bills, through a lack of funding of a program, could legally suspend the operation of the program, even a statutorily required program, and the funding necessary to provide that program, for the period of time of the appropriation bill. With the adoption of this motion, the Appropriations Committee is directed to implement this proposal, with the necessary legislative authorizing amendments to be furnished in a bill later this session.

MRS. CROSBY PRESIDING

MR. HALL PRESIDING

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely requested a ruling of the Chair on whether the Robinson et al. bracket motion should require a motion to suspend Rule 8, Section 5, because the bracket motion, if successful, would require the budget to be enacted after the 80th legislative day.

The Chair ruled that the motion to bracket was properly before the Legislature.

Mr. Chambers requested a ruling of the Chair on whether the Warner amendment is germane to the Robinson et al. motion to bracket.

The Chair ruled the Warner amendment is not germane to the Robinson et al. motion to bracket.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Robinson et al. motion to bracket:
FA218

Amend Bracket Motion

Strike May 17th & insert May 11th at 2:00 p.m.

Mrs. Bohlke and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM2104

(Amendments to Standing Committee amendments, AM1400)

1. On page 3, line 26, strike "section" and insert "sections"; and in line 27 after "81-1108.17" insert "and 81-1108.22".

2. On page 5, line 22, after "Fund" insert "and the Building Renewal Allocation Fund".

Mr. Lynch asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM2105

(Amendments to E & R amendments, AM7138)

1. On page 2, strike beginning with "gift" in line 1 through "grant" in line 3 and insert "gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement".

RESOLUTIONS

LEGISLATIVE RESOLUTION 125. Introduced by Lynch, 13.

PURPOSE: To study the licensure and regulation of direct-entry midwives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126. Introduced by Wickersham, 49; Wesely, 26; Vrtiska, 1.

PURPOSE: The purpose of this study is to undertake an analysis of the emergency medical system function in the State of Nebraska.

Particular attention will be given to the simplification of the various levels of certification within the emergency medical system program, the movement toward modular skill development for emergency medical technicians, and the improvement of the emergency medical care system in Nebraska through programs that provide support for emergency care providers and encourage long-term commitment to individual communities and the state. Additionally, this study will examine issues relating to training time and the requirement that emergency medical technicians must leave their home communities in order to obtain continuing education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall seek the cooperation of the Department of Health in this study.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127. Introduced by Schmitt, 41; Schellpeper, 18.

PURPOSE: In recent years citizens of our state have become increasingly concerned about crime and the ability to defend themselves and their families in the event of a violent criminal attack. Several state legislatures have addressed this problem by enacting legislation to permit the concealed carrying of a handgun by persons meeting certain restrictive eligibility guidelines. The purpose of this resolution is to study the issues associated with the enactment of concealed-carry legislation in other states. The study shall include, but not be limited to, the following issues:

1. Each state's crime rates, including homicide, robbery, and assault, before and after enactment of the concealed-carry legislation;
2. The percentage of each state's population applying for a permit, the percentage of those applying who are denied a permit, and the percentage of those issued a permit which is later revoked; and
3. The eligibility requirements in each state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE RESOLUTION 31CA. Indefinitely postponed.

LEGISLATIVE BILL 66. Indefinitely postponed.
LEGISLATIVE BILL 184. Indefinitely postponed.
LEGISLATIVE BILL 577. Indefinitely postponed.
LEGISLATIVE BILL 606. Indefinitely postponed.
LEGISLATIVE BILL 672. Indefinitely postponed.
LEGISLATIVE BILL 743. Indefinitely postponed.
LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 794. Indefinitely postponed.
LEGISLATIVE BILL 795. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 286, 544, 579, 583, 593, and 593A.

Enrollment and Review Change to LB 544

The following changes, required to be reported for publication in the Journal, have been made:
ER9074
1. On page 2, line 3, the stricken "(1)" has been reinstated.

Enrollment and Review Change to LB 593

The following changes, required to be reported for publication in the Journal, have been made:
ER9067
1. In the Hartnett amendment, AM1917, on page 2, line 11, "no" has been struck and "not" inserted.
2. In the Lynch amendment, AM1812:
a. Underscoring has been inserted in section 9; and
b. On page 1, line 5, "of this act" has been inserted after "12"; and in line 6 "the" has been struck and "this" inserted.

3. On page 1, line 3, "to" has been struck and ", 18-1738," inserted; and in line 6 "to provide duties; to provide operative dates;" has been inserted after the semicolon.

(Signed) David I. Maurstad, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LBs 671, 772, 774, 118, 193, 199, 291, 356, and 609 and I would have voted "no" on LBs 120 and 397.

(Signed) Kate Witek

SELECT FILE

LEGISLATIVE BILL 392. The Chambers pending amendment, FA218, found in this day's Journal, to the Robinson et al. pending motion to bracket, found in this day's Journal, was renewed.

Messrs. Withem, Brashear, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Robinson withdrew the Robinson et al. motion to bracket.

Mr. Avery renewed his pending amendment, AM1992, found in the Journal on page 2008.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Avery amendment lost with 3 ayes, 14 nays, 26 present and not voting, and 6 excused and not voting.

Mr. Avery renewed his pending amendment, AM1994, found in the Journal on page 2008.

Mr. Avery withdrew his amendment.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Avery offered the following amendment:
AM1991

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: This amendment will reduce the General Fund appropriation to the Community-based Juvenile Services Program in the Department of Correctional Services by $1,000,000 in FY1995-96; leaving a balance of $1,000,000 General Funds for FY1995-96 for this program. Federal Funds estimate would remain at $1,000,000 for FY1995-96 and $1,000,000 for FY1996-97.

AMENDMENT:

1. On page 74, line 2, strike "10,164,200" and insert "9,164,200"; and in line 5 strike "12,472,395" and insert "11,472,395".

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Avery asked unanimous consent to replace his pending amendment, AM1991, with a substitute amendment.

Mrs. Crosby objected.

Mr. Avery withdrew his amendment, AM1991.

Mr. Avery offered the following amendment:
AM1993

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: This amendment will reduce the General Fund appropriation to the Adult Services Division of the Department of Correctional Services by $119,563 the first year and $110,563 the second year and will eliminate the funding provided for two additional staff psychologists (PSL $83,251).

AMENDMENT:

1. On page 72, line 7, strike "59,357,059 59-616,794" and insert "59,237,496 59,506,231"; in line 11 strike "66,075,014 66,415,059" and insert "65,955,451 66,304,496"; and in line 12 strike "34,692,986 34,692,986" and insert "34,609,735 34,609,735".

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Avery moved for a call of the house. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Mr. Avery requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 11:

Abboud Avery Bromm Coordsen Fisher

Jones
Pirsch
Robak
Robinson
Vrtiska
Witek

Voting in the negative, 22:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Cudaback
Day
Elmer
Hall
Hillman
Kristensen
Lindsay
Preister
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will
Withem

Present and not voting, 4:

Hartnett
Hudkins
Lynch
Maurstad

Absent and not voting, 3:

Engel
Jensen
Matzke

Excused and not voting, 9:

Brashear
Dierks
Janssen
Landis
McKenzie
Pedersen
Schmitt
Stuhr
Wickersham

The Avery amendment lost with 11 ayes, 22 nays, 4 present and not voting, 3 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay renewed his pending amendment, AM2039, found in the Journal on page 2030.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay withdrew his amendment.

Mr. Bernard-Stevens withdrew his amendment, AM2029, found in the Journal on page 2030.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM2075, found in the Journal on page 2049.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the Hall amendment.

Voting in the affirmative, 10:

Beutler
Chambers
Engel
Hall
Lindsay
Matzke
Robinson
Schrock
Wesely
Will

Voting in the negative, 28:

Avery
Bernard-Stevens
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Fisher
Hartnett
Hillman
Hudkins
Jensen
Jones
Kristensen
McKenzie
Pirsch
Preister
Robak
Schimek
Schmitt
Vrtiska
Warner
Wehrbein
Witek
Withem

Present and not voting, 1:

Maurstad

Excused and not voting, 10:

Abboud
Brashear
Dierks
Janssen
Landis
Lynch
Pedersen
Schellpeper
Stuhr
Wickersham

The Hall amendment lost with 10 ayes, 28 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska renewed his pending amendment, AM2066, found in the Journal on page 2059.

Mr. Vrtiska asked unanimous consent to replace his pending amendment, AM2066, found in the Journal on page 2059, with a substitute amendment.

Mr. Beutler objected.

Mr. Vrtiska renewed his pending amendment, AM2066, found in the Journal on page 2059.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment to the Vrtiska pending amendment:
FA220

Amend the Vrtiska amendment by striking AM2066 and inserting the following:

to reduce the University's General Fund appropriation in LB 392 by $2,800,000 due to vacancy savings.

(Amendment to AM1754)

On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "307,508,570 312,111,262"

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bernard-Stevens
Bromm
Coordsen
Day
Fisher
Hall
Janssen
Jensen
Jones
Lindsay
McKenzie
Pirsch
Robinson
Vrtiska
Will
Witek
Withem

Voting in the negative, 17:

Beutler
Bohlke
Brown
Chambers
Crosby
Engel
Hartnett
Hillman
Hudkins
Kristensen
Matzke
Robak
Schimek
Stuhr
Warner
Wehrbein
Wesely

Present and not voting, 7:

Avery
Cudaback
Elmer
Maurstad
Preister

Schmitt
Schrock

Excused and not voting, 8:

Abboud
Brashear
Dierks
Landis
Lynch
Pedersen
Schellpeper
Wickersham

The Bromm amendment lost with 17 ayes, 17 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Vrtiska requested a roll call vote on his amendment, AM2066.

Voting in the affirmative, 0.

Voting in the negative, 37:

Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Will
Witek
Withem

Present and not voting, 4:

Avery
Coordsen
Jones
Schmitt

Excused and not voting, 8:

Abboud
Brashear
Dierks
Landis
Lynch
Pedersen
Schellpeper
Wickersham

The Vrtiska amendment lost with 0 ayes, 37 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM1969, found in the Journal on page 2060.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Beutler and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Witek requested a roll call vote on the Hall amendment.

Voting in the affirmative, 15:

Bernard-Stevens
Bohlke
Chambers
Day
Hall
Hillman
Janssen
Landis
Lynch
Matzke
Schimek
Warner
Wesely
Will
Withem

Voting in the negative, 23:

Avery
Beutler
Bromm
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hudkins
Jensen
Kristensen
Lindsay
Maurstad
McKenzie
Preister
Robak
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Present and not voting, 2:

Brown
Hartnett

Excused and not voting, 9:

Abboud
Brashear
Dierks
Jones
Pedersen
Pirsch
Robinson
Schellpeper
Wickersham

The Hall amendment lost with 15 ayes, 23 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

MOTION - Approve Appointments

Mr. Vrtiska moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 1895: Thomas J. Hix, Glen E. Tubbs, John J. Campbell, and Jerome Thompson - Nebraska State Boiler Safety Advisory Board.

Voting in the affirmative, 27:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Cudaback
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Lindsay
Matzke
Maurstad
McKenzie
Robak
Schrock
Stuhr
Vrtiska
Warner
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 13:

Avery
Bromm
Coordsen
Day
Elmer
Fisher
Kristensen
Landis
Lynch
Preister
Schimek
Schmitt
Wehrbein

Excused and not voting, 9:

Abboud
Brashear
Dierks
Jones
Pedersen
Pirsch
Robinson
Schellpeper
Wickersham

These appointments were confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 105. Read. Considered.

LR 105 was adopted with 20 ayes, 0 nays, and 29 not voting.

MOTION - Reconsider Action on LB 392

Mr. Bernard-Stevens moved to reconsider the amendment, AM1987, to LB 392.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 205, 207, 552, 564, 616, 629, and 696.

Enrollment and Review Change to LB 207

The following changes, required to be reported for publication in the Journal, have been made:
ER9076

1. In the Day-Bernard-Stevens amendment, AM1825, on page 1, line 14, the first "the" has been struck and "Economic" has been inserted after "Municipal"; and in line 15 "low" has been struck and "low-income" inserted.
2. On page 1, line 2, "18-2705" has been struck and "18-2701, 18-2705," inserted; and in line 3 "to change provisions relating to proposed economic development programs; to harmonize provisions;" has been inserted after the second semicolon.
3. Sections 1, 2, and 3, have been renumbered as sections 3, 4, and 5, respectively.

Enrollment and Review Change to LB 564

The following changes, required to be reported for publication in the Journal, have been made:
ER9080

1. On page 7, line 22, the third comma has been struck and shown as stricken; and in line 23 the stricken "also" has been reinstated.

Enrollment and Review Change to LB 629

The following changes, required to be reported for publication in the Journal, have been made:
ER9077

1. In the Beutler amendment, FA213, on page 1, line 7, the first comma has been struck; and in line 18 "in" has been inserted after "or".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

(Amendment, AM1817, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2157

1. On page 11, line 17, strike "eighty-hundredths" and insert "seventy-three hundredths".

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2158

1. On page 12, line 8, strike "eighty-five" and insert "ninety"; in line 10 strike "eighty-four" and insert "eighty-nine"; in line 13 strike "eighty-three" and insert "eighty-eight"; and in line 16 strike "eighty-two" and insert "eighty-seven".

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2159

1. On page 12, strike beginning with "reduced" in line 3 through "birthday" in line 6 and insert "the actuarial equivalent of the annuity deferred to the sixty-second birthday of the member".

Mr. Maurstad asked unanimous consent to print the following amendment to LB 418 in the Journal. No objections. So ordered.

AM2148

(Amendments to AM1456)

1. On page 3, line 6, strike "35.570¢" and insert "33.570¢".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646A in the Journal. No objections. So ordered.

AM2179

1. On page 2, line 1, strike "$500,000" and insert "$191,000"; in line 2 after "Fund" insert "and $95,500 from the County Revenue Assistance Fund" and strike "$500,000" and insert "$333,333"; and in line 3 after "Fund" insert "and $166,667 from the County Revenue Assistance Fund".

Mr. Bromm and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 742A in the Journal. No objections. So ordered.

AM2184

1. On page 2, line 7, strike "551,150,898 579,247,270"

and insert "551,230,898 573,262,604"; in line 12 strike "689,623,514 723,528,781" and insert "689,703,514 717,544,115"; strike line 13, show as stricken, and insert "SALARY LIMIT 7,517,909 7,484,575" and in line 18 strike "$572,434,954" and insert "$566,370,288".

2. On page 4, line 4, strike "$127,357,978" and insert "$121,293,312"; and after line 18 insert the following new paragraph:

"There is included in the amounts shown for FY1995-96 and for FY1996-97 $80,000 General Funds for each fiscal year for the purpose of administering the waiver program on rules and regulations relating to special education programs.".

Mr. Bromm and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2173

(Amendments to AM2114)

1. Strike section 8 and insert the following new sections:

"Sec. 8. For fiscal year 1996-97, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3325, 79-3332, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections in fiscal year 1995-96, excluding any deficiency appropriations in fiscal year 1995-96. Beginning in fiscal year 1997-98 and each fiscal year thereafter, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3322, 79-3325, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections for the previous fiscal year, multiplied by one plus a rate not to exceed the allowable growth range pursuant to section 79-3816.

Sec. 11. The State Board of Education, with the assistance of the State Department of Education, shall provide a process for the waiver of rules and regulations adopted and promulgated under Chapter 79 as such rules and regulations relate to special education programs and support services related to special education. Such waiver shall not apply to any requirements subject to federal laws or federal rules and regulations. Any entity subject to state rules and regulations for special education may apply for a waiver of such rules and regulations each year until August 31, 1998. The waiver process shall be studied for effectiveness by the State Board of Education, and the board shall provide a report to the Education Committee of the Legislature in January of 1998.

The board may grant a waiver to the rules and regulations if the process set out by the department is followed.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

(Amendment, AM2180, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were Sandra Stockall from North Platte and Daniel Luciano, Emma Zubia, Sylvia Flores, and Rev. Robert F. and Ruby A. Washington from Grand Island; 77 fourth grade students, teacher, and sponsors from Grace Abbott Elementary, Omaha; ten second and third grade students and teacher from Immanuel School, Herman; 33 fourth grade students and teacher from Starr Elementary, Grand Island; 30 third grade students and sponsors from Sheridan Elementary, Lincoln; Paula Darling from Nebraska City and Art Palmer from Syracuse; 14 fourth grade students and teacher from Chapman; 50 sixth grade students and teacher from Syracuse; 35 seventh and eighth grade students from Trinity Lutheran School, Fremont; and nine fourth, fifth, and sixth grade students and teacher from Manley.

ADJOURNMENT

At 3:18 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Tuesday, May 16, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-NINTH DAY - MAY 16, 1995

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY - MAY 16, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 16, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jerry Morris, Mapleview Free Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Abboud, Chambers, Dierks, Hall, Kristensen, Lindsay, Warner, Wickersham, Will, Mmes. Bohlke, Hudkins, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 89, 89A, 311, 389, 390, 429, and 646.

Enrollment and Review Change to LB 390

The following changes, required to be reported for publication in the Journal, have been made:
ER9078
1. In the E & R amendments, AM7146, on page 1, line 2, an underscored period has been inserted after "DEFINITIONS".

2. In the Standing Committee amendments, AM1758, on page 1, after line 17

"PROGRAM TOTAL -0- 43,282"

has been inserted.

3. On page 1, line 1, "and" has been struck and "to" inserted; in line 7 "50," has been inserted after "49," and "62," has been inserted after "57,"; in line 8 "124, 125" has been struck and "125, 127" inserted; and in line 9 "161, and 169" has been struck and "and 161" inserted.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2090

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: To freeze the Nebraska Educational Telecommunications Commission's General Fund appropriation at the FY1994-95 level. To freeze the Nebraska State Historical Society's General Fund appropriation at the FY1994-95 level. To freeze the Nebraska Arts Council's General Fund appropriation at the FY1994-95 level.

AMENDMENT:

1. On page 75, line 8, strike "5,911,873 5,952,459" and insert "5,561,779 5,466,419"; in line 10 strike "6,087,384 6,134,004" and insert "5,737,290 5,647,964"; strike lines 20 through 26; and in line 27 strike "(4)" and insert "(2)".

2. On page 76, line 13, strike "(5)" and insert "(3)".

3. On page 77, line 18, strike "(6)" and insert "(4)".

4. On page 79, line 3, strike "(7)" and insert "(5)"; in lines 25 and 26 strike "382,580 385,174" and insert "372,463 365,679".

5. On page 94, lines 14 and 15, strike "561,321 563,116" and insert "496,969 488,933"; and in lines 25 and 26 strike both occurrences of "6,000" and insert "5,430".

6. On page 95, line 4, strike "2,556,022 2,561,112" and insert "2,362,321 2,292,846"; and in line 7 strike "3,706,044 3,616,268" and insert "3,512,343 3,348,002".

7. On page 116, line 22, strike "430,684 431,748" and insert "421,507 413,103"; in line 25 strike "575,894 577,306" and insert "566,717 558,661".

8. On page 117, line 3, strike both occurrences of "818,075" and insert "693,075"; in line 6 strike both occurrences of "1,549,793" and insert "1,424,793"; in lines 8 and 11 strike "$818,075" and insert "$693,075"; in lines 17 and 18 strike all occurrences of "125,000" and insert "103,875"; and in lines 20 and 22 strike "$125,000" and insert "$103,875".

Mrs. Witek asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2163

(Amendments to Standing Committee amendments, AM1754)

PURPOSE: Reduce FY1995-96 and FY1996-97 by $140,232 General Funds, $14,300 Cash Funds, and $82,511 Federal Funds to eliminate funding in six state agencies for motor voter activities.

AMENDMENT:

1. On page 9, line 19, strike "313,350 325,350" and insert "297,750 309,750"; in line 20 strike "82,800 80,000" and insert "77,800 75,000"; in line 21 strike "396,150 405,350" and insert "375,550 384,750"; and in line 22 strike "264,750 264,750" and insert "252,750 252,750".

2. On page 21, line 6, strike "2,810,164 2,812,705" and insert "2,809,984 2,812,525"; in line 8 strike "13,182,090 13,208,670" and insert "13,181,427 13,208,007"; and in line 9 strike "16,520,254 16,549,375" and insert "16,519,411 16,548,532".

3. On page 32, line 27, strike "5,835,532 5,870,887" and insert "5,832,157 5,867,512".

4. On page 33, line 1, strike "10,569,520 10,653,086" and insert "10,560,220 10,643,786"; in line 3 strike "26,442,606 26,645,093" and insert "26,429,931 26,632,418"; in line 20 strike "1,693,965 1,693,965" and insert "1,677,205 1,677,205"; and in line 23 strike "33,163,284 33,163,284" and insert "33,146,524 33,146,524".

5. On page 38, line 19, strike "1,038,135 1,149,454" and insert "1,021,615 1,132,934"; and in line 22 strike "9,471,123 9,586,271" and insert "9,454,603 9,569,751".

6. On page 40, line 26, strike "14,950,282 15,355,897" and insert "14,944,332 15,349,947".

7. On page 41, line 2, strike "24,456,499 25,115,990" and insert "24,450,549 25,110,040".

8. On page 51, line 8, strike "40,805,542 39,359,092" and insert "40,723,695 39,277,245"; in line 10 strike "91,640,118 77,102,049" and insert "91,558,270 77,020,201"; in line 11 strike "133,096,487 117,158,668" and insert "132,932,792 116,994,973"; and in line 12 strike "55,221,629 56,514,941" and insert "55,113,370 56,406,682".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 646A in the Journal. No objections. So ordered.

AM2197

1. On page 2, line 1, strike "$500,000" and insert "$191,000"; in line 2 after "Fund" insert "and $95,500 from the County Revenue Assistance Fund" and strike "$500,000" and insert

"$333,333"; in line 3 after "Fund" insert "and $166,667 from the County Revenue Assistance Fund"; and in line 9 strike "$241,700" and insert "$145,000".

MESSAGE FROM THE GOVERNOR

May 15, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 609, 671, 772, 774, 120, 193, 199, 291, 356 and 397 were received in my office on May 10, 1995.

These bills were signed by me on May 15, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

RESOLUTIONS

LEGISLATIVE RESOLUTION 128. Introduced by Bromm, 23; Landis, 46.

PURPOSE: The purpose of this resolution is to study what Nebraska's response should be to the interstate branching provisions of the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, including, but not limited to, a review of the provisions of LB512, Ninety-fourth Legislature, First Session, 1994, pending in the Banking, Commerce and Insurance Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129. Introduced by Robak, 22.

PURPOSE: To study the possibility of using the average personal income of a school district as a factor in determining the local effort rate for school financing. This issue was raised by Legislative Bill 349, Ninety-fourth Legislature, First Session, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130. Introduced by Vrtiska, 1; Beutler, 28.

PURPOSE: Various sections of state statute require certain state and local public officials to post fidelity or performance bonds as a method of protecting the public from the negligence or malfeasance of public officials. The requirements and bond levels vary widely from office to office and are scattered throughout state statutes. Concern was raised during the debate on LB 179 (1995) that a review of these varying requirements and bond levels should be undertaken to ensure that the bond levels are adequate and consistent with the duties of the office and to ensure that other statutory requirements are reasonable, both for the efficiency of governmental subdivisions and for the protection of the public's interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 105.

SELECT FILE

LEGISLATIVE BILL 392. Mr. Wehrbein and Mrs. Hillman renewed their pending amendment, AM2076, found in the Journal on page 2065.

Mrs. Witek requested a record vote on the Wehrbein-Hillman amendment.

Voting in the affirmative, 30:

Avery
Bernard-Stevens
Brashear
Bromm
Brown
Crosby
Cudaback
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Chambers
Coordsen
Elmer
Landis
Pirsch
Schrock
Witek
Withem

Excused and not voting, 10:

Abboud
Bohlke
Day
Dierks
Hall
Hudkins
Lindsay
Robak
Wickersham
Will

The Wehrbein-Hillman amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2069, found in the Journal on page 2076.

Mr. Wesely asked unanimous consent to replace his pending amendment, AM2069, found in the Journal on page 2076, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his amendment, AM2069, found in the Journal on page 2076.

Mr. Wesely offered the following substitute amendment:
AM2220
(Amendments to Standing Committee amendments, AM1754)
1. Insert the following new section:
"Sec. 105. AGENCY NO. 26 -- DEPARTMENT OF SOCIAL SERVICES
Program No. 349 - Long-Term Care
FY1995-96 FY1996-97

GENERAL FUND	88,542,285	95,784,564
FEDERAL FUND est.	131,220,151	134,966,012
PROGRAM TOTAL	219,762,436	230,750,576

There is included in the appropriation to this program for FY1995-96 $88,542,285 General Funds and $131,220,151 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $95,784,564 General Funds and $134,966,012 Federal Funds estimate for state aid, which shall only be used for such purpose.".

2. On page 57, strike lines 2 through 4 and insert the following:

	"FY1995-96	FY1996-97
GENERAL FUND	176,441,256	184,463,787
FEDERAL FUND est.	307,243,737	316,647,728
PROGRAM TOTAL	483,684,993	501,111,515"

in line 7 strike "$262,607,541" and insert "$174,065,256" and strike "$435,712,888" and insert "$304,492,737"; and in line 10 strike "$278,077,351" and insert "$182,292,787" and strike "$449,067,740" and insert "$314,101,728".

3. Renumber the remaining sections and correct internal references accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek renewed her pending amendment, AM2067, found in the Journal on page 2077.

Messrs. Maurstad and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Abboud
Beutler
Bohlke
Brown
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Janssen
Jensen
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie

Pedersen
Preister
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 7:

Avery
Chambers
Cudaback
Pirsch
Schimek
Stuhr
Witek

Present and not voting, 7:

Bernard-Stevens
Brashear
Bromm
Coordsen
Jones
Robinson
Schellpeper

Excused and not voting, 7:

Hall
Hudkins
Maurstad
Robak
Schmitt
Wickersham
Will

The motion to cease debate prevailed with 28 ayes, 7 nays, 7 present and not voting, and 7 excused and not voting.

Mrs. Witek requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 13:

Avery
Bromm
Coordsen
Cudaback
Dierks
Fisher
Jensen
Jones
Kristensen
Pirsch
Robinson
Schellpeper
Witek

Voting in the negative, 27:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Hartnett
Hillman
Janssen
Landis
Lindsay
Lynch
Matzke
McKenzie
Preister
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 3:

Abboud
Pedersen
Schrock

Excused and not voting, 6:

Hall
Hudkins
Maurstad
Robak
Schmitt
Will

The Witek amendment lost with 13 ayes, 27 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 2145, to reconsider the amendment, AM1987, to LB 392, found in the Journal on page 2000 and considered on page 2104.

MRS. CROSBY PRESIDING

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 29:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Fisher
Hartnett
Janssen
Jones
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pedersen
Preister
Schellpeper
Schimek
Vrtiska
Wesely
Wickersham
Withem

Voting in the negative, 9:

Bromm
Coordsen
Engel
Jensen
Pirsch
Robinson
Warner
Wehrbein
Witek

Present and not voting, 6:

Brown
Hillman
Lynch
Schmitt
Schrock
Stuhr

Excused and not voting, 5:

Hall
Hudkins
Maurstad
Robak
Will

The Bernard-Stevens motion to reconsider prevailed with 29 ayes, 9 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Bernard-Stevens amendment, AM1987, found in the Journal on page 2000 and considered on page 2104, was reconsidered.

The Bernard-Stevens amendment was adopted with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

GENERAL FILE

LEGISLATIVE BILL 394. Title read. Considered.

Standing Committee amendment, AM1757, found in the Journal on page 1886, was considered.

Mr. Withem renewed his pending amendment, AM1841, found in the Journal on page 1911, to the Standing Committee amendment.

Mrs. Brown, Messrs. Engel, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

May 15, 1995

Madam President, Mister Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Members:

Engrossed Legislative Bill 118 was received in my office on May 10, 1995. This bill was signed by me on May 15, 1995 and delivered to the Secretary of State.

LB 118 provides for a reduction in the penalties on sales tax for motor vehicles. It is important to realize the impact that this legislation may have on the ability of the state and counties to collect sales tax on motor vehicles. If the passage of this bill encourages taxpayers not to pay their sales tax or to pay them later than is required by law, I will return next year with a bill to raise the penalties higher than is provided by LB 118.

I understand the hardship which counties and the taxpayer have felt because of the inadvertent effects prior legislation had on the sales tax penalties. This penalty in many cases was too stringent. I do want to state that this is in no way to be construed as a penalty to those who pay their taxes on time. It is not my intent and I am sure not the intent of the introducers. I would like to extend my help in making sure this policy change has the desired effects. I would encourage the Legislature to monitor this provision and join with me in making sure those that pay their taxes on time are not punished through any provisions set out in LB 118.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 742A in the Journal. No objections. So ordered.

AM2196

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $30,000 from the General Fund for FY1995-96 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995, and to conduct a policy study relating to special education.

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 131. Introduced by Landis, 46; Preister, 5; Vrtiska, 1; Schimek, 27.

PURPOSE: To determine, in advance of an accident involving high-level nuclear waste and resulting from the transport of high-level nuclear waste, who is financially responsible for the damages and clean-up costs and what Nebraska's underlying state statutes should be.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132. Introduced by Pirsch, 10; Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should rewrite and update its statutes regarding credit unions. LB 415, pending in the Banking, Commerce and Insurance Committee of the Legislature, proposes enactment of a new Credit Union Act, and the provisions of this bill should be reviewed as part of the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133. Introduced by Schimek, 27; Chambers, 11; Hillman, 48; Day, 19; Crosby, 29; Matzke, 47; Lindsay, 9.

PURPOSE: The purpose of this resolution is to examine questions which have been raised regarding the entries made on the Central Register in the Department of Social Services pertaining to child abuse and neglect. The review shall include the following, but not be limited to: (1) What the policies and practices are regarding the effective record keeping of child abuse cases by the Department of Social Services, law enforcement agencies, county attorneys, and juvenile and criminal courts; (2) what types of cases constitute each of the four categories listed in LB 336 (1995); (3) what cases should be expunged immediately from the register; (4) what access there is to information contained in the register; (5) what information is accessible; and (6) what defines the expungement process and the length of time entries are maintained on the central register.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select committee of the Legislature comprised of three senators from the Health and Human Services Committee, three senators from the Judiciary Committee, and two senators from the Appropriations Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Robinson, 16.

PURPOSE: The cost of government in Nebraska, especially as it relates to property taxation, has been of great concern for a number of years. Much of the focus has been on the number of governmental units in the state and what steps can be taken to make their operation more efficient. The purpose of this resolution is to study methods to promote the collaboration of services by governmental units. Specifically, the study will examine the use of state aid formulas as an incentive for collaboration and explore various mechanisms for making government more efficient through collaboration and cooperation. The study will also examine methods that may be used to raise awareness and provide education to governmental entities to enable them to look at the feasibility of collaboration and cooperation with other units of government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135. Introduced by Robinson, 16.

PURPOSE: To study the various aspects of the publication of legal notices. The study will examine the requirements for publication, including, but not limited to, an examination of what notices are required to be published, the number of times publication is required, whether there are duplicative notices or antiquated notices that must be published, and the costs of publication. The examination will focus on the impact of Nebraska law on political subdivisions and newspapers in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Witek, 31.

PURPOSE: The purpose of this study is to determine whether election costs should be allocated by county election officials among political subdivisions when several political subdivisions have issues or candidates on the ballot at a single election as specified in LB 561, Ninety-Fourth Legislature, First Session, 1995. Under current law, the allocation of election costs among political subdivisions when several political subdivisions have issues or candidates on the ballot at a single election is calculated on a per-inch-of-ballot basis. This method of allocating costs results in inequities to political subdivisions which place issues on the ballot as opposed to candidate races and is a disservice to the public as it encourages ballot issues to be written in an abridged form. LB 561 proposed that the method of apportioning such election costs be changed to a per-ballot-issue basis but this bill was indefinitely postponed. In conducting this study, the current method of allocating costs should be reevaluated and the method proposed by LB 561 should be analyzed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 95038

DATE:	May 16, 1995
SUBJECT:	Constitutionality of LB 136 - Amendment of Definition of "Retailer" to Require Retailers Engaged in Business in Nebraska Which Have Minimum Contacts With the State, But Not Physical Presence, to Report Information Regarding Purchases by Nebraska Residents.
REQUESTED BY:	Senator Jim Jensen Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 136, in light of the United States Supreme Court decision in Quill Corp. v. North Dakota, ___ U.S. ___, 112 S. Ct. 1904 (1992) {"Quill"}. In Quill, the Court held that a North Dakota use tax collection statute requiring out-of-state mail-order sellers to collect and remit use tax on purchases made by resident consumers did not violate the "nexus" requirement of the due process clause of the Fourteenth Amendment of the U.S. Constitution. The Court held, however, that the use tax collection requirement violated the "nexus" requirement of the commerce clause of the U.S. Constitution (art. I, § 8, cl. 3). Your specific question is whether, consistent with the Court's decision in Quill, the state may, under LB 136, "constitutionally require reports of mail order businesses who have no physical presence in the state, in order to identify Nebraskans who owe Nebraska sales and use tax for the products purchased from such businesses."

For the reasons stated below, we conclude that, while the reporting requirements on retailers imposed under LB 136 are not contrary to the due process standards articulated in Quill, these requirements could be held to impose an undue burden on interstate commerce. Our analysis will address the provisions of LB 136, the Court's holding in Quill, and the application of the Court's decision to the reporting requirement proposed under LB 136.

I. LB 136.

LB 136 would amend the definition of "retailer" under Neb. Rev. Stat. § 77-2705(1) (Cum. Supp. 1994) to allow the Tax Commissioner to "require retailers engaged in business in this state which have minimum contacts with this state, but do not have physical presence in this state, to submit periodic reports listing purchases by Nebraska residents, the amount of the purchases, and the locations to which the purchases were shipped." The reporting requirement would "not apply to out-of-state vendors or their representatives who have entered into an agreement with the Department of Revenue or obtained a permit for the collection of Nebraska sales and use taxes." Thus, LB 136 does not propose to impose an obligation on out-of-state sellers to collect and remit Nebraska use tax on purchases by Nebraska residents; rather, unless out-of-state sellers have entered into an agreement with the Department of Revenue or obtained a permit to collect Nebraska sales and use tax, it proposes instead to require out-of-state sellers engaged in business in Nebraska having "minimum contacts" with the state to report certain information to the Department of Revenue. This information, of course, is intended to assist the Department in its enforcement of Nebraska sales and use tax statutes.

II. The Quill Decision.

Quill involved the constitutionality of a North Dakota use tax collection scheme requiring mail-order sellers who had no physical presence in the state to collect and remit use tax on sales to North Dakota residents. North Dakota initiated a declaratory judgment action against Quill, seeking a determination that it was liable for its failure to collect and remit use tax on sales to North Dakota consumers. Quill argued that North Dakota had no power to compel it to collect and remit use tax on sales to its North Dakota customers, contending that such requirement violated the Due Process and Commerce Clauses of the U.S. Constitution. 112 S. Ct. at 1907-09. Quill relied principally on the Court's prior decision in National Bellas Hess v. Dept. of Revenue, 386 U.S. 753 (1967) {"Bellas Hess"}, in which the Court held that a state tax scheme which imposed the duty of collecting use tax on a seller whose only connection with consumers in the taxing state was by common carrier or U.S. mail violated both the Due Process and Commerce Clauses.

Reversing the North Dakota Supreme Court's decision that the statute was constitutional, the Court made two independent inquiries with regard to the Due Process and Commerce Clause issues. While the Court found that Quill's contacts with North Dakota were sufficient for due process purposes, it found these contacts insufficient to sustain the tax under the Commerce Clause. 112 S. Ct. at 1911, 1916.[1]

Addressing the due process issue, the Court stated that "some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax" was required. Id. at 1909 (quoting Miller Bros. Co. v. Maryland, 347 U.S. 340, 344-45 (1954). Recognizing that its due process jurisprudence had evolved beyond the point of requiring "physical presence" to allow a state to exercise jurisdiction over a defendant, the Court did not equate the "nexus" requirement for due process purposes with "physical presence." 112 S. Ct. at 1910, 1911. Rather, the Court determined that, consistent with due process, North Dakota could impose use tax collection responsibilities on Quill even though it maintained no "physical presence" in the state. Id. at 1911. The Court found that, as Quill purposefully directed its mail-order business at North Dakota residents, and the magnitude of these contacts created a "minimum connection" between the state and Quill, it was "fair" to require Quill to submit to the state's taxing jurisdiction. Id.

In contrast to the due process "nexus" requirement mandating only "minimum contacts", however, the Court concluded that the Commerce Clause required something more. The Court based this distinction on recognition of the different constitutional concerns underlying these two clauses. It reasoned that, while the due process clause is concerned with "the fundamental fairness of governmental activity", the commerce clause is focused on "structural concerns about the effects of state regulation on the national economy." Id. at 1913.

Relying on its decision in Complete Auto Transit v. Brady, 430 U.S. 274 (1977), the Court stated that the Commerce Clause requires a "substantial nexus" between the taxing state and the out-of-state seller before the state can impose use tax collection duties on the seller. 112 S. Ct. at 1912. The Court defined "substantial nexus" as "physical presence" in the taxing state. Id. The Court stated that maintaining this "bright-line" rule, previously adopted in Bellas Hess, would promote the goals of the Commerce Clause. Id. at 1914. It believed the "physical presence" standard would "firmly establish{ } the boundaries of legitimate state authority to impose a duty to collect sales and use taxes and reduce{ } litigation concerning those taxes." Id. at 1915. In addition, it found the "physical presence" standard would "encourage{ } settled expectations by businesses and individuals." Id. (footnote omitted). Because Quill did not maintain a physical presence in North Dakota, the Court held that North Dakota's attempt to impose use tax collection responsibilities on its out-of-state mail order sales to its North Dakota customers violated the Commerce Clause. Id. at 1916.[2]

III. Analysis of Quill in Relation to LB 136.

In analyzing whether the provisions of LB 136 are consistent with the Court's decision in Quill, it is important, at the outset, to note the difference between the proposed amendment to § 77-2705 under LB 136, and the North Dakota statute found unconstitutional in Quill. The North Dakota law found unconstitutional in Quill concerned a state statute imposing use tax collection responsibility on an out-of-state company with no physical presence in the state on sales to state residents. LB 136, in contrast, does not impose a collection responsibility on retailers engaged in business in Nebraska, but having no physical presence in the state. Rather, it seeks to impose a reporting requirement on such retailers which have "minimum contacts" with the state, but no "physical presence".

The principal issues raised by your question, of course, require consideration of the due process and commerce clause concerns addressed in Quill. In considering these issues, you have provided for our review a comprehensive analysis of such questions in light of the Quill decision published by the Multistate Tax Commission. Davis, State Jurisdiction to Compel Documents and Witnesses After Quill, (Multistate Tax Comm'n, Vol. 1994, No. 1) {"MTC Report"}. We have reviewed this analysis, which concludes that, under the Quill decision, "{r}easonable requests for potentially relevant documents to determine whether an out-of-state company is in compliance with the state tax laws, or to determine whether residents of the state are complying with use tax laws, should be upheld under both Due Process and Commerce Clause constitutional analyses." MTC Report at 27.

In the due process context, the MTC Report states:

> In deciding whether it may exert long-arm jurisdiction over an out-of-state company, a court must first ascertain whether the company has purposefully availed itself of the privilege of conducting activities within the state. Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985). Some specific, purposeful action is required, such as 'designing the product for the market in the forum state, advertising in the forum state, establishing channels for providing regular advice to customers in the forum state, or marketing the product through a distributor who has agreed to serve as the sales agent in the forum state.' Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102, 112 (1987).

> Physical presence is not a prerequisite to jurisdiction. Burger King, supra, at 476. If only one sale is consummated, but that sale is the result of purposefully directed activities such as widespread catalog mailings to customers in the state, jurisdiction may lie for that one sale. Burger King, at 475, n.18. If the company deliberately engages in 'significant activities' within a state, jurisdiction will lie. Keeton v. Hustler Magazine, Inc., 465 U.S. 770 (1984). If the company purposefully derives benefits from activities in other states, it can reasonably expect to be haled into the state courts. Kulko v. California Superior Court, 436 U.S. 84, 96 (1978).

MTC Report at 25-26.

The MTC Report notes that various activities may subject an out-of-state company to a state's authority to provide information such as that which may be required by LB 136, including advertising in the state through mail order catalogs, advertising through magazines or newspapers designed to reach state residents, or other "{s}ignificant ongoing in-state business transactions with customers, regardless of the absence of directed marketing." Id. at 25. If these "minimum contacts" with the state exist, as contemplated by LB 136, we do not believe that the bill would contravene federal due process requirements.

As to the Commerce Clause question, the MTC Report concludes that,

> {u}nlike its Due Process ruling, Quill's Commerce Clause physical presence ruling is very limited. The Court made it clear that the basis for its Commerce Clause decision was its reluctance to overturn National Bellas Hess, supra, and its belief that Commerce Clause issues such as the one presented are better regulated by Congress. Since Quill's application of the physical presence standard is limited to use tax collection from mail order companies, the decision arguably would not apply to state attempts to compel production of documents from out-of-state companies.

Id. at 26.

The MTC further states that, "{w}hen direct imposition of state taxes is not at issue,. . . it can be argued that the standard of Commerce Clause review to be applied should be that applied to any other state regulatory measure." Id. (emphasis in original). " In the non-tax context, the standard of Commerce Clause review is whether the state has a legitmate interest in the matter to be regulated and whether the burden imposed, and any discrimination against interstate commerce, is outweighed by the state's interest." Id. at 26-27 (citing Pike v. Bruce Church, Inc., 397 U.S. 137, 142 (1970)). In discussing application of the Commerce Clause "balancing test" applicable to a state law informational requirement such as imposed under LB 136, the MTC Report states:

> If the state's purpose is to seek information concerning customer compliance with the state tax laws, the out-of-state company is a third party to the tax investigation. The relevant information may include lists of customers, including addresses and information identifying the sales to the customers. . . .{P}roducing this

> information should impose a lesser burden on a company than use tax collection, in that the request is for information to be supplied after the fact--i.e., does not require application of a tax on each sale as it takes place and subsequent payments over to a state. The balance will. . .likely favor the state.

MTC Report at 27.

While the MTC Report's conclusion that the balancing test applied in Commerce Clause regulatory inquiries, weighing the burden imposed, and any discrimination against interstate commerce, against the state interest in the matter regulated, should favor state informational requirements imposed on out-of-state retailers such as proposed under LB 136, we cannot state with certainty that this conclusion is correct. It is true that the "bright-line" Commerce Clause rule adopted in Quill, requiring a "substantial nexus" which the Court equated with "physical presence" in the taxing state, was applied to a state statute requiring an out-of-state seller to collect and remit use tax, rather than an informational or reporting requirements imposed on out-of-state sellers. It may well be that the balancing test applied in Commerce Clause cases will be deemed to apply to state laws seeking to impose such informational requirements on out-of-state sellers in circumstances where the state does not seek to impose use tax collection duties on those sellers. Even if this standard were to apply, however, we are not confident that the burden imposed would be deemed insubstantial, and that it may not be found to place an undue burden on interstate commerce.

IV. Conclusion.

In conclusion, it is our opinion that the reporting requirements which may be imposed by the Tax Commissioner under LB 136 on retailers which do not have "physical presence" in the state, but have "minimum contacts" with the state, would not, if enacted, facially violate the Due Process Clause of the Federal Constitution under the principles articulated by the United States Supreme Court in Quill. We further conclude, however, that there remains a question as to whether such requirements would be found to place an impermissible burden on interstate commerce, in violation of the Commerce Clause. We also note that enactment of the reporting requirements proposed under LB 136 may pose significant, and potentially costly, enforcement problems, if out-of-state retailers do not voluntarily comply with efforts by the Department of Revenue to compel compliance with such requirements.

[1] The Court overruled Bellas Hess on the due process issue, while affirming that case on the Commerce Clause issue.

[2] The Court thus affirmed Bellas Hess with respect to the Commerce Clause issue.

Very truly yours,
DON STENBERG
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

7-2000-7.34
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Recess

Mrs. Witek moved to recess until 1:30 p.m. The motion lost with 13 ayes, 19 nays, and 17 not voting.

UNANIMOUS CONSENT - Members Excused

Mrs. Witek and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 394. The Withem pending amendment, AM1841, found in the Journal on page 1911 and considered in this day's Journal, to the pending Standing Committee amendment, was renewed.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Avery
Bernard-Stevens
Beutler
Bohlke
Cudaback
Hartnett
Janssen
Jensen
Jones
Landis
Lindsay
McKenzie
Pedersen
Pirsch
Preister
Schimek
Vrtiska
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Abboud
Brashear
Bromm
Engel
Kristensen
Matzke
Robinson
Wehrbein

Present and not voting, 13:

Brown
Chambers
Coordsen
Crosby
Day
Dierks
Elmer
Fisher
Hillman
Maurstad

Schmitt	Schrock	Stuhr

Excused and not voting, 6:

Hall	Lynch	Robak	Schellpeper	Witek
Hudkins				

The Withem amendment lost with 22 ayes, 8 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were 30 students and teachers from Central High School, Omaha; 43 fourth grade students and sponsors from Paddock Lane Elementary, Beatrice; Robin Read from Washington D.C. and former Senator Shirley Marsh; Senator Matzke's mother-in-law and Senator Elmer's aunt, Rene Creasman; 20 third and fourth grade students and teacher from Kearney Christian School; 50 sixth grade students and sponsors from Prescott School, Lincoln; 16 seniors and teacher from Wilcox; and Paul, Nathan, and Kristina Johnson and Mike Guilliatt from Fremont.

RECESS

At 12:13 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Bernard-Stevens, Elmer, Engel, Hall, Jones, Landis, Pedersen, Robinson, Schrock, Vrtiska, Mmes. Bohlke, Pirsch, Stuhr, Witek, and Ms. Day who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

SELECT FILE

LEGISLATIVE BILL 646A. Mr. Kristensen withdrew his amendments, AM2179 and AM2197, found in the Journal on pages 2147 and 2152.

Mr. Kristensen offered the following amendment:
AM2222

1. On page 2, line 1, strike "$500,000" and insert "$245,875"; in line 2 strike "$500,000" and insert "$333,333"; in line 3 after "Fund" insert "and $166,667 from the County Revenue Assistance Fund"; and in line 9 strike "$241,700" and insert "$112,500".

Mr. Kristensen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Kristensen amendment was adopted with 25 ayes, 1 nay, 7 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 189. E & R amendment, AM7076, found in the Journal on page 1316, was adopted.

Messrs. Lindsay, Pedersen, Hartnett, Avery, Withem, Hall, Will, and Beutler withdrew their amendments, AM1431, AM1437, and AM1436, found in the Journal on pages 1493, 1495, and 1496.

Messrs. Lindsay, Withem, Wehrbein, and Brashear withdrew their amendment, AM1478, found in the Journal on page 1524.

Mr. Withem withdrew his amendment, AM2042, found in the Journal on page 2021.

Mr. Wickersham withdrew his amendment, AM1549, found in the Journal on page 2022.

Messrs. Lindsay, Withem, Landis, Avery, Hartnett, and Hall withdrew their amendment, AM2050, found in the Journal on page 2023.

Messrs. Lindsay and Withem withdrew their amendments, AM2098 and AM2103, found in the Journal on pages 2073 and 2075.

Messrs. Withem, Lindsay, and Beutler withdrew their amendment, AM2108, found in the Journal on page 2076.

Messrs. Brashear and Wickersham renewed their pending amendment, AM2119, found in the Journal on page 2083.

Mr. Withem offered the following amendment to the Brashear-Wickersham pending amendment:
FA222

Amend AM2119, page 4 to add after line 24,

"The listing of the above factors does not preclude the Judicial Resources Commission from considering other factors in improving the reporting of judicial activity.

Mr. Withem withdrew his amendment.

Messrs. Brashear and Wickersham withdrew their amendment.

Mrs. Hillman, Messrs. Dierks, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 519 in the Journal. No objections. So ordered.

AM2219

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that:

(1) Article IV, section 6, of the Constitution of Nebraska requires that the affairs of the state be economically and efficiently administered and thereby imposes a duty to expend no more for any service than it is worth;

(2) The types and provisions of contracts executed on behalf of the state have a direct bearing on the economical and efficient administration of the affairs of the state;

(3) Fee-for-service contracts are the usual, customary, and accepted manner of contracting on behalf of the state;

(4) Prior to August 1994, no state department or agency ever had executed a contingent fee contract on behalf of the state;

(5) The Legislature has never directly or indirectly granted or delegated authority to any state department, state agency, or person to execute a contingent fee contract on behalf of the state;

(6) The Legislature never contemplated, intended, or implied that any state department, state agency, or person should have the authority to execute a contingent fee contract on behalf of the state;

(7) The utilization of contingent fee contracts constitutes a major policy determination which should be made only by the Legislature by means of explicit legislation;

(8) Contingent fee contracts are not in the public interest and are not favored when public funds are to be expended because they are conditioned on the occurrence of a future event which itself is uncertain or questionable and may extend the state's obligation to pay an indefinite amount into the indefinite future;

(9) Contingent fee contracts encourage the payment of inequitable and exorbitant fees bearing no reasonable relationship to the services actually performed and thereby result in the unwarranted and imprudent expenditure of public funds, in contravention of the constitutional duty to administer the affairs of the state in an economical and efficient manner; and

(10) Insofar as obtaining federal funds to which the state is entitled by law, the state's interests are represented by two members of the United States Senate and three members of the United States House of Representatives who have given no indication that individually or collectively they are either unwilling to or incapable of adequately representing the state's interests with regard to assisting to obtain such federal funds if requested by the Governor to do so.

Sec. 2. The Legislature finds that contingent fee contracts are inimical to the economical and efficient administration of the affairs of the state, are not in the public interest, and shall not be executed by any state department, state agency, or person on behalf of the state.

Sec. 3. Any contingent fee contract which purports to obligate the state to pay contingent fees based on the net increase in federal financial participation revenue obtained through the actions of the other party to the contract executed prior to the effective date of this act is hereby canceled.

Sec. 4. Any contingent fee contract of any kind whatsoever executed by any state department, state agency, or person on behalf of the state after the effective date of this act is void.

Sec. 5. For purposes of this act:

(1) Contingent fee means any fee, whether called commission, percentage, brokerage, finder's fee, contingent fee, or otherwise denominated, which is a percentage of the amount or value recovered or obtained;

(2) Contingent fee contract means any contract or agreement which provides for payment of a contingent fee; and

(3) State means any department or agency of the state.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

MOTION - Reconsider Action on LB 394

Mr. Chambers moved to reconsider the vote on the Withem amendment, AM1841, to LB 394.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 137. Introduced by Warner, 25; Robinson, 16.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be faced is the ability of counties to provide adequate public services under the constraints of a thirty cent per one hundred dollars of valuation constitutional limit on property taxes; the viability of the separate levy authority of townships, library boards, airport authorities, hospital authorities, extension services, historical societies, cemetery organizations, agricultural societies, public building commissions, and other special purpose districts and the possibility of county control over such special purpose districts; incentives for city-county or multicounty sharing of service responsibility; the potential of shifting county services to the state for purposes of property tax relief; and the need for need-based aid for some counties which cannot provide adequate services under these constraints.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138. Introduced by Will, 8.

PURPOSE: The purpose of this study is to examine the feasibility of requiring law enforcement officials in Nebraska to be trained in cultural sensitivity and/or a second language. This study shall include, but not be limited to, the following:

1. An examination of the percentage of Nebraska residents whose primary language is one other than English and a breakdown of the various languages by region;

2. An examination of the percentage of non-English speaking people that Nebraska law enforcement officials come into contact with during the course of duty; and

3. An examination of the states that require law enforcement officials to complete courses in cultural sensitivity and/or second languages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Will, 8; Chambers, 11.

PURPOSE: The purpose of this study is to examine the registration of sports agents in Nebraska. This study shall include, but not be limited to, the following:

1. The role sports agents play in assisting college athletes in obtaining professional sports employment;
2. The typical fee structures that professional sports agents use;
3. The prevalence of professional sports agents in the State of Nebraska; and
4. The regulatory mechanisms employed by other states with respect to professional sports agents and the need for statutory regulatory mechanisms in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by Bromm, 23; Beutler, 28; Hudkins, 21; Wehrbein, 2; Avery, 3; Hartnett, 45.

WHEREAS, the Lower Platte River, stretching from Columbus to Plattsmouth, is a unique natural resource which offers tremendous opportunities for recreation and fishing, mineral resources, wildlife habitat, residential development, and water supplies; and

WHEREAS, these same opportunities, in their current and anticipated future direction and intensity, are moving this geographic corridor into an arena of competition and conflict; and

WHEREAS, while there exist numerous local, state, and federal agencies with plans, rules, and regulations that apply to these corridor uses and impacts and various studies have been conducted or are currently underway; and

WHEREAS, the various plans, rules, and regulations, however, are administered at significantly varying levels of conformance by the myriad of jurisdictions and lack a system of coordination; and

WHEREAS, the three natural resources districts which encompass the Lower Platte River corridor have proposed establishment of a Lower Platte River Basin Conference, bringing together all of the stakeholders, public and private, to create a vision of the future river corridor and to develop a comprehensive, ecosystem-based watershed management plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature endorses the efforts of the natural resources districts to establish the Lower Platte River Basin Conference and its mission of planning and coordination.

2. That the Legislature support an amendment to the federal Water Resources Development Act to authorize planning, technical, and financial assistance to the districts, through the State of Nebraska, for the conference.

3. That the Legislature encourage the active participation and support of the Governor and interested state and local agencies in the conference.

4. That a copy of this resolution be sent to each member of Nebraska's Congressional delegation and to the Governor.

Laid over.

LEGISLATIVE RESOLUTION 141. Introduced by Bromm, 23; Dierks, 40.

PURPOSE: The purpose of this study is to examine the Nebraska Right to Farm Act and issues arising out of potential conflicts involving agricultural activities affecting people who live in close proximity to agricultural operations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Government Appointments Thursday, May 25, 1995 1:15 p.m.
  Commission for the Hearing Impaired
    Jerry Hohnbaum
    David Conway
    Linsay Darnall
  Child Abuse Prevention Fund Board
    Timothy Bachenberg

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 189. Mr. Avery offered the following amendment:
AM2225

1. Insert the following new sections:

"Section 1. Section 24-201.01, Revised Statutes Supplement, 1994, is amended to read:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be eighty-eight thousand one hundred fifty-seven dollars and thirty cents. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, the base salary of the Chief Justice and the judges of the Supreme Court shall be eighty-nine thousand thirty-eight dollars and eighty-seven cents. On July 1, 1996, the base salary of the Chief Justice and the judges of the Supreme Court shall be eighty-nine thousand nine hundred twenty-nine dollars and twenty-six cents. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, in addition to the base salary provided in this section, the Chief Justice and each judge of the Supreme Court shall receive a supplemental amount equal to two percent of the base salary. On July 1, 1996, in addition to the base salary provided in this section, the Chief Justice and each judge of the Supreme Court shall receive a supplemental amount equal to four percent of the base salary. ~~sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. Section 24-301.01, Reissue Revised Statutes of Nebraska, is amended to read:

24-301.01. ~~As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the district court and each judge of a separate juvenile court shall be paid a salary of thirty-nine thousand five hundred dollars per annum. On January 8, 1981, the salary shall be increased to an amount equal to six percent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six percent. On January 6, 1983, and thereafter the salary paid~~ Each judge of the district court and each judge of the separate juvenile court shall be paid a base salary ~~an amount~~ equal to ninety-two and one-half percent of the base salary set for the Chief Justice and judges of the Supreme

Court. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, in addition to the base salary provided in this section, each judge of the district court in district court judicial district numbers 2, 3, 4, 7, and 9 and each judge of the separate juvenile court shall receive a supplemental amount equal to two percent of the base salary of such judge. On July 1, 1996, in addition to the base salary provided in this section, each judge of the district court in district court judicial district numbers 2, 3, 4, 7, and 9 and each judge of the separate juvenile court shall receive a supplemental amount equal to four percent of the base salary of such judge. Such salary shall be payable in equal installments.

Sec. 4. Section 24-513, Reissue Revised Statutes of Nebraska, is amended to read:

24-513. ~~As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of twenty-eight thousand five hundred dollars per year, except that each county judge in a county judge district having a population of one hundred thousand or more according to the latest federal census shall receive an annual salary of thirty-four thousand four hundred fifty dollars per year. On January 8, 1981, the salary shall be increased to an amount equal to six percent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing thirty-two thousand dollars by six percent, except that for each county judge in a county judge district having a population of one hundred thousand or more, base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six percent. On January 6, 1983, and thereafter the salary paid~~ Each county judge shall be paid a base salary ~~an amount~~ equal to eighty-five percent of the base salary set for the Chief Justice and judges of the Supreme Court. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, in addition to the base salary provided in this section, each county judge in county court judicial district numbers 2, 3, 4, 10, and 11 shall receive a supplemental amount equal to two percent of the base salary of such judge. On July 1, 1996, in addition to the base salary provided in this section, each county judge in county court judicial district numbers 2, 3, 4, 10, and 11 shall receive a supplemental amount equal to four percent of the base salary of such judge. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ Salaries of clerk magistrates and other employees of the court shall be set by rule by the Supreme Court.

Sec. 5. Section 24-1101, Revised Statutes Supplement,

1994, is amended to read:

24-1101. (1) There is hereby created the Court of Appeals which shall consist of six judges. The court shall sit in panels of three judges to conduct the business of the court. The decision of a majority of the judges of the panel to which a case is submitted shall constitute the decision of the court for that case. The membership of the panels shall be assigned and regularly rotated by the Chief Judge of the Court of Appeals in such a manner as to provide each judge the opportunity to serve a proportionate amount of time with every other judge on the court.

(2) One judge of the Court of Appeals shall be appointed by the Governor from each Supreme Court judicial district. For purposes of this section, a judge's residence on the effective date of appointment shall be considered the judge's residence while he or she serves on the Court of Appeals. The Supreme Court shall each year select one judge of the Court of Appeals as Chief Judge.

(3) Judges of the Court of Appeals shall be paid a base salary ~~an amount~~ equal to ninety-five percent of the base salary set for the Chief Justice and judges of the Supreme Court. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, in addition to the base salary provided in this section, each judge of the Court of Appeals shall receive a supplemental amount equal to two percent of the base salary of such judge. On July 1, 1996, in addition to the base salary provided in this section, each judge of the Court of Appeals shall receive a supplemental amount equal to four percent of the base salary of such judge.

(4) Judges of the Court of Appeals shall be subject to the same provisions relating to selection, filling of a vacancy, term of office, discipline, removal from office, and retirement as are all other judges covered by Article V of the Constitution of Nebraska.

Sec. 7. Section 48-159, Reissue Revised Statutes of Nebraska, is amended to read:

48-159. (1) ~~As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the Nebraska Workers' Compensation Court shall receive an annual salary of thirty-seven thousand fifty dollars, payable in the same manner as the salaries of other state officers are paid. On January 1, 1981, the salary shall be increased to an amount equal to six percent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six percent. On January 6, 1983, and thereafter the salary paid~~ Each judge of the Nebraska Workers' Compensation Court shall be ~~an amount~~ paid a base salary equal to eighty-five percent of the base salary set for the Chief Justice and judges of the Supreme Court. On July 1, 1995, or as soon as the same may be legally paid under the Constitution of Nebraska, in addition to the base salary provided in this section, each judge of the Nebraska Workers' Compensation Court shall receive a supplemental amount equal to two percent of the base salary of such judge. On July 1, 1996, in addition to the base salary provided in this section, each judge of the Nebraska Workers' Compensation Court shall receive a supplemental amount equal to four percent of the base salary of such judge. The clerk and all other assistants and employees of the compensation court shall receive such salaries as the compensation court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. ~~Such~~ All such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source.

(2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the Nebraska Workers' Compensation Court, the clerk, and other assistants and employees of the compensation court shall be entitled, while traveling on the business of the compensation court, to be reimbursed by the state for their necessary traveling expenses, consisting of transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. In the Standing Committee amendments, AM0215, on page 3, line 17, strike "section 43-2,119" and insert "sections 24-301.01, 24-513, 43-2,119, and 48-159"; and in line 18 strike "section 24-301.02" and insert "sections 24-201.01, 24-301.02, and 24-1101".

3. Renumber the remaining sections accordingly.

Mr. Avery moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Avery requested a record vote on his amendment.

Voting in the affirmative, 16:

Avery
Bernard-Stevens
Cudaback
Fisher
Hartnett
Janssen
Jensen
Jones
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Wesely
Witek
Withem

Voting in the negative, 16:

Abboud
Bohlke
Brashear
Bromm
Coordsen
Crosby
Hillman
Hudkins
Matzke
Maurstad
Schimek
Schrock
Stuhr
Warner
Wehrbein

Wickersham

Present and not voting, 12:

Beutler
Brown
Chambers
Day
Dierks
Elmer
Hall
Lindsay
Lynch
McKenzie
Preister
Will

Excused and not voting, 5:

Engel
Kristensen
Landis
Robak
Vrtiska

The Avery amendment lost with 16 ayes, 16 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay offered the following amendment:
AM2234

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1994, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be eighty-eight thousand one hundred fifty-seven dollars and thirty cents. On July 1, 1995, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-one thousand six hundred eighty-three dollars and fifty-nine cents. On July 1, 1996, the salary of the Chief Justice and the judges of the Supreme Court shall be ninety-four thousand eight hundred ninety-two dollars and fifty-two cents. ~~sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. Section 24-301.02, Revised Statutes Supplement, 1994, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth ~~district~~ districts there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 3. Section 24-803, Revised Statutes Supplement, 1994, is amended to read:

24-803. (1) As the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate members of such commission in the manner prescribed in section 24-806. The term of office of an alternate member of a commission shall be for a period of two years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection ~~(5)~~ (1) of section 24-810.

Sec. 4. Section 24-809.01, Revised Statutes Supplement, 1994, is amended to read:

24-809.01. There is hereby created the Judicial Resources Commission consisting of: (1) ~~Three~~ Four judges, including one district court judge, one county court judge, one separate juvenile court judge, and one Justice or judge of the Supreme Court, all of whom shall be appointed by the Supreme Court; (2) one member of the Nebraska State Bar Association from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; and (3) one citizen from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska appointed by the Governor, none of whom shall be (a) a justice or judge of the Supreme Court or a judge of any other court, active or retired, (b) a member of the Nebraska State Bar Association, or (c) an immediate family member of any person listed in subdivisions (a) and (b) of this subdivision. The Justice or judge of the Supreme Court serving on the commission shall also serve as chairperson of the commission.

Sec. 5. The State Court Administrator shall compile uniform and accurate statistics which will assist in the evaluation of judicial workloads. The judicial workload statistics shall be based on caseload numbers weighted by category of case. The judicial workload statistics shall be compiled annually for each district, county, and separate juvenile court judicial district in the state.

Sec. 6. In the event of the death, retirement, resignation, or removal of a district, county, or separate juvenile judge or the failure of a district, county, or separate juvenile judge to be retained in office:

(1) If the most recent judicial workload statistics compiled pursuant to section 5 of this act demonstrate that the affected judicial district has a judicial workload average equal to or above the median of judicial workload averages for the state as

a whole, a judicial vacancy shall exist in the affected judicial district. The chairperson of the Judicial Resources Commission shall then declare that a judicial vacancy exists, the Supreme Court, in the case of a county or district court, shall determine the site of the primary office location, and the Clerk of the Supreme Court shall proceed with notification of the judicial nominating commission relating to such vacancy pursuant to section 24-810; or

(2) If the most recent judicial workload statistics compiled pursuant to section 5 of this act demonstrate that the affected judicial district has a judicial workload average below the median of judicial workload averages for the state as a whole, the Judicial Resources Commission shall, after holding a public hearing, determine whether a judicial vacancy exists in the affected district or any other judicial district or whether a new judgeship or change in number of judicial districts or boundaries is appropriate.

Sec. 7. By December 15, 1995, and each year thereafter, the Judicial Resources Commission shall hold a hearing to determine whether (1) a new judgeship is appropriate in any judicial district or a reduction in judgeships is appropriate in any judicial district or (2) the judicial district boundaries or the number of judicial districts should be changed for the district or county courts. The commission shall also examine current case load statistics and make any appropriate recommendations for the more balanced use of existing judicial resources. A report of this hearing and any recommendations shall be filed by the commission with the Legislature, the Governor, and the Supreme Court on or before December 31 of each year.

Sec. 8. The Judicial Resources Commission's determination of whether a judicial vacancy exists or a new judgeship, a reduction in judgeships, or change in number of judicial districts or boundaries is appropriate pursuant to section 6 or 7 of this act shall be based upon (1) its analysis of judicial workload statistics compiled pursuant to section 5 of this act, (2) whether litigants in the judicial district have adequate access to the courts, (3) the population of the judicial district, (4) other judicial duties and travel time involved within the judicial district, and (5) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service. After making a determination, the commission shall report the results to the Legislature and recommend any legislative changes which are needed. If no changes in existing law are needed and none are recommended by the commission, no legislative action shall be necessary to fill any judicial vacancy determined to exist. The Legislature shall not create a new judgeship unless the commission recommends the creation of a new judgeship in its report. If legislative action is required but none is taken in the next legislative session following the report, the commission shall hold another hearing on the matter and shall determine whether a judicial vacancy exists or again recommend legislative changes to the Legislature in its report.

Sec. 9. For purposes of section 10 of this act and section 24-810, the date of a final determination of a district, county, or separate juvenile court judicial vacancy shall be:

(1) The date a judicial vacancy is determined by the Judicial Resources Commission pursuant to section 6 or 8 of this act; or

(2) If a determination is made by the commission that a move of a judgeship from one district to another or between county and district court, a new judgeship, or a change in number of judicial districts or boundaries is appropriate pursuant to section 6 or 7 of this act, the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy.

Sec. 10. If a final determination of a district or county court judicial vacancy is made, the Supreme Court shall, after consultation with lawyers of the judicial district as it deems appropriate, determine and announce the county where the primary office for the judgeship shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the judge. The principal criterion used by the Supreme Court when designating a primary office shall be the judicial workload statistics compiled by the State Court Administrator pursuant to section 5 of this act.

Sec. 11. Section 24-810, Revised Statutes Supplement, 1994, is amended to read:

24-810. ~~(1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.~~

~~(2) In the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a~~

~~district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:~~

~~(a) Whether a judicial vacancy exists and the location of that vacancy;~~

~~(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;~~

~~(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or~~

~~(d) Any combination of subdivisions (a), (b), and (c) of this subsection.~~

~~The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the Legislature. If no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge.~~

~~(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (2) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.~~

~~(4) For purposes of subsection (5) of this section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.~~

(1) ~~(5)~~ When a final determination of ~~the location of~~ a district, ~~or~~ county, or separate juvenile court judicial vacancy has been made pursuant to section 9 of this act or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial

nominating commission, at which time a public hearing will be held. ~~He or she~~ The first public hearing shall be held within sixty days after final determination of the vacancy occurs. The chairperson shall ~~thereupon~~ notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(2) ~~(6)~~ After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(3) ~~(7)~~ The judicial nominating commission may, before or after the hearing provided for in subsection ~~(5)~~ (1) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(4) ~~(8)~~ The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made ~~pursuant to subsection (4) of this section of the location~~ of a district, ~~or~~ county, or separate juvenile court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

~~(9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.~~

Sec. 12. Sections 2 and 15 of this act become operative on January 1, 1997. Sections 3 to 11 and 14 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 13. Original section 24-201.01, Revised Statutes Supplement, 1994, is repealed.

Sec. 14. Original sections 24-803, 24-809.01, and 24-810, Revised Statutes Supplement, 1994, are repealed.

Sec. 15. Original section 24-301.02, Revised Statutes Supplement, 1994, is repealed.

Sec. 16. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Beutler offered the following amendment to the Lindsay pending amendment:
AM2246

(Amendments to AM2234)

1. On page 7, strike beginning with "If" in line 12 through the period in line 16 and insert "The determination of the existence of a judicial vacancy by the commission shall be subject to legislative approval."; and strike beginning with "determined" in line 25 through "act" in line 27 and insert "approved by the Legislature".

Mr. Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Avery
Bernard-Stevens
Beutler
Chambers
Crosby
Fisher
Hall
Janssen
Jensen
Landis
Lynch
Maurstad
Pirsch
Preister
Robinson
Schimek
Warner
Wesely
Will
Witek
Withem

Voting in the negative, 20:

Abboud
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Jones
Kristensen
Matzke
Pedersen
Schellpeper
Schmitt
Schrock
Stuhr
Wickersham

Present and not voting, 5:

Brown
Hartnett
Lindsay
McKenzie
Wehrbein

Excused and not voting, 3:

Engel Robak Vrtiska

The Beutler amendment lost with 21 ayes, 20 nays, 5 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM2217

1. Strike original section 2 and insert the following new sections:

"Sec 2. Section 77-4103, Revised Statutes Supplement, 1994, is amended to read:

77-4103. For purposes of the Employment and Investment Growth Act, unless the context otherwise requires:

(1) Any term shall have the same meaning as used in Chapter 77, article 27;

(2) Base year shall mean the year immediately preceding the year during which the application was submitted;

(3) Base-year employee shall mean any individual who was employed in Nebraska and subject to the Nebraska income tax on compensation received from the taxpayer or its predecessors during the base year and who is employed at the project;

(4) Compensation shall mean the wages and other payments subject to withholding for federal income tax purposes;

(5) Entitlement period shall mean the year during which the required increases in employment and investment were met or exceeded, and the next six years;

(6) Equivalent employees shall mean the number of employees computed by dividing the total hours paid in a year by the product of forty times the number of weeks in a year;

(7) Investment shall mean the value of qualified property incorporated into or used at the project. For qualified property owned by the taxpayer, the value shall be the original cost of the property. For qualified property rented by the taxpayer, the average net annual rent shall be multiplied by the number of years of the lease for which the taxpayer was originally bound, not to exceed ten years or the end of the third year after the entitlement period, whichever is earlier. The rental of land included in and incidental to the leasing of a building shall not be excluded from the computation;

(8) Motor vehicle shall mean any motor vehicle, trailer, or semitrailer as defined in section 60-301 and subject to licensing for operation on the highways;

(9) Nebraska employee shall mean an individual who is

either a resident or partial-year resident of Nebraska but shall not include an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3);

(10) Number of new employees shall mean the excess of the number of equivalent employees employed at the project during a year over the number of equivalent employees during the base year;

(11) Qualified business shall mean any business engaged in the activities listed in subdivisions (b)(i) through (v) of this subdivision or in the storage, warehousing, distribution, transportation, or sale of tangible personal property. Qualified business shall not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of food prepared for immediate consumption or are sales to the ultimate consumer of tangible personal property which is not (a) assembled, fabricated, manufactured, or processed by the taxpayer or (b) used by the purchaser in any of the following activities:

(i) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;

(ii) The performance of data processing, telecommunication, insurance, or financial services. Financial services for purposes of this subdivision shall only include financial services provided by any financial institution subject to tax under Chapter 77, article 38, or any person or entity licensed by the Department of Banking and Finance or the Securities and Exchange Commission;

(iii) The assembly, fabrication, manufacture, or processing of tangible personal property;

(iv) The administrative management of any activities, including headquarter facilities relating to such activities; or

(v) Any combination of the activities listed in this subdivision;

(12) Qualified property shall mean any tangible property of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986, or the components of such property, that will be located and used at the project. Qualified property shall not include (a) aircraft, barges, motor vehicles, railroad rolling stock, or watercraft or (b) property that is rented by the taxpayer qualifying under the Employment and Investment Growth Act to another person;

(13) Related persons shall mean any corporations which are members of the same unitary group or any persons who are considered to be related persons under either section 267(B) and (C) or section 707(B) of the Internal Revenue Code of 1986;

(14) Taxpayer shall mean any person subject to the sales and use taxes and either an income tax imposed by the Nebraska Revenue Act of 1967 or a franchise tax under Chapter 77, article 38, any corporation that is a member of the same unitary group

which is subject to such taxes, and any partnership, limited liability company, S corporation, or joint venture when the partners, shareholders, or members are subject to such taxes; and

(15) Year shall mean the taxable year of the taxpayer.

Sec. 3. Section 77-4104.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-4104.01. The following transactions or activities shall not create any credits or allow any benefits under the Employment and Investment Growth Act except as specifically allowed by this section:

(1) The acquisition of a business which is continued by the taxpayer and which was operated in this state during the three hundred sixty-six days prior to the date of application or the date of acquisition, whichever is later. All employees of the acquired business during such period shall be considered base-year employees, and the compensation paid during the base year or the year before acquisition, whichever is later shall be the base-year compensation. Any investment in the acquisition of such business shall be considered as being made before the date of application;

(2) The moving of a business from one location to another, which business was operated in this state during the three hundred sixty-six days prior to the date of application. All employees of the business during such three hundred sixty-six days shall be considered base-year employees;

(3) The purchase or lease of any property which was previously owned by the taxpayer or a related person. The first purchase by either the taxpayer or a related person shall be treated as investment if the item was first placed in service in this state after the date of the application;

(4) The renegotiation of any lease in existence on the date of application which does not materially change any of the terms of the lease, other than the expiration date, shall be presumed to be a transaction entered into for the purpose of generating benefits under the act and shall not be allowed in the computation of any benefit or the meeting of any required levels under the agreement;

(5) Any purchase or lease of property from a related person, except that the taxpayer will be allowed any benefits under the Employment and Investment Growth Act to which the related person would have been entitled on the purchase or lease of the property if the related person was considered the taxpayer; ~~and~~

(6) Any transaction entered into primarily for the purpose of receiving benefits under the act which is without a business purpose and does not result in increased economic activity in the state; and

(7) The intentional employment of an unauthorized alien in violation of 8 U.S.C. 1324a(a)(1) and (2).

Sec. 4. Section 77-4107, Reissue Revised Statutes of Nebraska, is amended to read:

77-4107. (1) If the taxpayer (a) fails either to meet the required levels of employment or investment for the applicable project by the end of the sixth year after the end of the year the application was submitted for such project or to utilize such project in a qualified business at employment and investment levels at or above those required in the agreement for the entire entitlement period or (b) intentionally employs an unauthorized alien in violation of 8 U.S.C. 1324a (a)(1) and (2), all or a portion of the incentives set forth in the Employment and Investment Growth Act shall be recaptured or disallowed.

(2) The recapture or disallowance shall be as follows:

(a) In the case of a taxpayer who failed to meet the required levels within the required time period, all reduction in the personal property tax because of the Employment and Investment Growth Act shall be recaptured and any reduction in the corporate income tax arising solely because of an election under subsection (1) of section 77-4105 shall be deemed an underpayment of the income tax for the year in which the election was exercised and shall be immediately due and payable; ~~and~~

(b) In the case of a taxpayer who has failed to maintain the project at the required levels of employment and investment for the entire entitlement period, any reduction in the personal property tax, any refunds in tax allowed under subdivision (3)(a) of section 77-4105, and any refunds or reduction in tax allowed because of the use of a credit allowed under subsection (4) of section 77-4105 shall be partially recaptured from either the taxpayer or the owner of the improvement to real estate and any carryovers of credits shall be partially disallowed. One-seventh of the refunds, one-seventh of the reduction in personal property tax, and one-seventh of the credits used shall be recaptured and one-seventh of the remaining carryovers and the last remaining year of personal property tax exemption shall be disallowed for each year the taxpayer did not maintain such project at or above the required levels of employment or investment; and

(c) In the case of a taxpayer who meets the required levels of employment by unintentionally employing unauthorized aliens in violation of 8 U.S.C. 1324a (a)(1) and (2), the benefits as defined in subdivision (4)(a) of section 77-4105 shall be recaptured in proportion to the percentage of unauthorized aliens employed as part of the qualifying project's new jobs.

(3) Any refunds or reduction in tax due, to the extent required to be recaptured, shall be deemed to be an underpayment of the tax and shall be immediately due and payable.

When tax benefits were received in more than one year, the tax benefits received in the most recent year shall be recovered first and then the benefits received in earlier years up to the extent of the required recapture.

(4) Any personal property tax that would have been due except for the exemption allowed under the Employment and

Investment Growth Act, to the extent it becomes due under this section, shall be considered an underpayment of such tax and shall be immediately due and payable to the county or counties in which the property was located when exempted. All amounts received by a county under this section shall be allocated to each taxing unit levying taxes on tangible personal property in the county in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy of all of such taxing units.

(5) Notwithstanding any other limitations contained in the laws of this state, collections of any taxes deemed to be underpayments by this section shall be allowed for a period of ten years after the signing of the agreement or three years after the end of the entitlement period, whichever is later.

(6) Any amounts due under this section shall be recaptured notwithstanding other allowable credits and shall not be subsequently refunded under any provision of the Employment and Investment Growth Act unless the recapture was in error.

(7) The recapture required by this section shall not occur if the failure to maintain the required levels of employment or investment was caused by an act of God or national emergency.

Sec. 5. Section 77-4110, Reissue Revised Statutes of Nebraska, is amended to read:

77-4110. (1) The Tax Commissioner shall submit an annual report to the Legislature no later than March 15 of each year.

(2) The report shall list (a) the agreements which have been signed during the previous calendar year, (b) the agreements which are still in effect, (c) the identity of each taxpayer, ~~and~~ (d) the location of each project, and (e) the number of investigations of each applicant by the United States Immigration and Naturalization Service under the Immigration and Nationality Act and any violations under section 274A of the Immigration and Nationality Act, 8 U.S.C. 1324a, during the previous calendar year.

(3) The report shall also state by industry group (a) the specific incentive options applied for under the Employment and Investment Growth Act, (b) the refunds allowed on the investment, (c) the credits earned, (d) the credits used to reduce the corporate income tax and the credits used to reduce the individual income tax, (e) the credits used to obtain sales and use tax refunds, (f) the number of jobs created, (g) the total number of employees employed in the state by the taxpayer on the last day of the calendar quarter prior to the application date and the total number of employees employed in the state by the taxpayer on subsequent reporting dates, (h) the expansion of capital investment, (i) the estimated wage levels of jobs created subsequent to the application date, (j) the total number of qualified applicants, (k) the projected future state revenue gains and losses, (l) the sales tax refunds owed to the applicants, (m) the credits outstanding, and (n) the value of personal property exempted by class in each county.

(4) No information shall be provided in the report that is protected by state or federal confidentiality laws.

~~(5) By December 1, 1990, the Department of Revenue shall prepare a report with the available information required in this section for all prior years the act has been in effect. Information required in this section that is not available to the department for the report due December 1, 1990, shall be provided in the next annual report.~~

Sec. 6. Original sections 77-2734.14, 77-4104.01, 77-4107, and 77-4110, Reissue Revised Statutes of Nebraska, and section 77-4103, Revised Statutes Supplement, 1994, are repealed.".

ATTORNEY GENERAL'S OPINION

Opinion No. 95040

DATE:	May 16, 1995
SUBJECT:	Amendments to Correct Constitutional Defects in Neb. Rev. Stat. § 49-1474.01 (Nebraska's prohibition on anonymous campaign literature).
REQUESTED BY:	Senator Kermit Brashear, District 4
WRITTEN BY:	Don Stenberg, Attorney General Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning a series of possible amendments designed to cure constitutional infirmities in Neb. Rev. Stat. § 49-1474.01 (Nebraska's prohibition on anonymous campaign literature).[1]

On April 19, the United States Supreme Court, in McIntyre v. The Ohio Elections Commission, 63 USLW 4279, 115 S.Ct. 1511 (1995), declared a similar Ohio statute unconstitutional in that it abridged the freedom of speech in violation of the First Amendment. In Op. Att'y Gen. No. 95039 (May 15, 1995) (to the Nebraska Accountability and Disclosure Commission), we found Neb. Rev. Stat. § 49-1474.01 to be indistinguishable, in relevant part, from the Ohio statute, and concluded § 49-1474.01 is unconstitutional. A copy of that opinion is enclosed for your reference. This opinion will begin with some general comments concerning permissible regulation of election-related speech in light of McIntyre, and then address each of the five potential amendments to Neb. Rev. Stat. § 49-1474.01.

The Supreme Court's decision in McIntyre v. Ohio Elections Commission, 63 U.S.L.W. 4279, 115 S.Ct. 1511 should be narrowly construed until and unless further guidance is provided by the courts. First of all, the Supreme Court clearly limited its decision to written communications, and did not address the constitutionality of disclaimer requirements for television and radio advertisements. Id., 63 USLW at

4280, n.3 ("Section 3599.09(B) {of the Ohio statute} contains a comparable prohibition against unidentified communications uttered over the broadcast facilities of any radio or television station. No question concerning that provision is raised in this case. Our opinion, therefore, discusses only written communications and, particularly, leaflets of the kind Mrs. McIntyre distributed."). See also id. at 4286 ("Appropriately leaving open matters not presented by McIntyre's handbills. . . .") (Ginsburg, J., concurring).

In holding the Ohio statute unconstitutional, the Court concluded that "the identity of the speaker is no different from other components of the document's content that the author is free to include or exclude." Id. The Court agreed that preventing fraud and libel are important state interests, but found that Ohio had other anti-fraud statutes to address such activity. Id. at 4283-4284. The Court also stressed the breadth of the statute, in that it applied to documents that were not even arguably false or misleading; to individuals acting independently from candidates; to ballot issues as well as elections of public officers; and to materials distributed well in advance of elections. Id. at 4284. Although the Court invalidated the Ohio statute, the Court specifically recognized "that a State's enforcement interest might justify a more limited identification requirement. . . ." Id. at 4284. See also id. at 4286 (Ginsburg, J., concurring). With the foregoing in mind, each of the potential amendments to Nebraska's statute will be analyzed.

A. Amending § 49-1474.01 to Limit its Applicability to Candidate Elections.

The first potential amendment presented would amend Neb. Rev. Stat. § 49-1471.01 so as to limit its applicability to candidate elections, thereby exempting ballot issues.

The Court, in McIntyre, noted that the Federal Election Act of 1971 regulates only candidate elections, and not referenda or other issue-based ballot measures. Id. at 4285. The Court also noted that the "risk of corruption perceived in cases involving candidate elections (citation omitted) simply is not present in a popular vote on a public issue." Id. at 4284 n. 15 (quoting First Nat. Bank of Boston v. Bellolti, 435 U.S. 765, 790 (1978)). However, the Court's comments seem to refer more to the permissibility of expenditure disclosure requirements in candidate elections. See id. at 4285. The basic considerations regarding free speech would seem to be the same for all "election-related" writings, at least with regard to the writings of individuals (as discussed further below). "Advocacy of the election or defeat of candidates . . . is no less entitled to protection under the First Amendment than the discussion of political policy generally or advocacy of the passage or defeat of legislation." Buckley v. Valeo, 424 U.S. 1, 48. Consequently, we cannot conclude that limiting the applicability of § 49-1474.01 to candidate elections would cure the constitutional defect.

B. Amending § 49-1474.01 to Limit its Applicability to "Persons" as Defined in § 49-1438, except an "Individual".

The next potential amendment to § 49-1474.01 would limit its applicability by making it apply only to "persons" as defined by § 49-1438, with the exception of "individuals."

Section § 49-1438 defines "person" for purposes of the Nebraska Political Accountability and Disclosure Act. Under § 49-1438, "person" includes "a business, individual, proprietorship, firm, partnership, limited liability company, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or other organization or group of persons acting jointly." Under § 49-1474.01, the name and address of the "person" who pays for election-related literature must appear on such matter. Any "person" who knowingly violates this provision is guilty of a Class IV misdemeanor.

The Court in McIntyre specifically pointed out that the Ohio statute "applies not only to the activities of candidates and their organized supporters, but also to individuals acting independently and using only their own modest resources." Id. at 4284-4285 (emphasis added). See also Buckley v. Valeo, 424 U.S. 1, 37 (1976). In light of the entire analysis set forth in McIntyre, it is our view that limiting the applicability of § 49-1474.01 so as to exempt individuals acting independently would likely cure the constitutional defect in the statute. Our only caution comes with regard to the inclusion, under the definition of "person" in § 49-1438, of a "group of persons acting jointly." If this is construed, for example, to compel a husband and wife, acting jointly with their next door neighbor, to print their names on pamphlets they make on their personal computer for distribution prior to a local school bond election, then it would be difficult to distinguish the free speech rights of such a "group of persons" from an individual. We note that even Mrs. McIntyre had "help provided by her son and a friend" in placing leaflets on car windshields. Id. at 4280. Yet, the Court characterized her activity as independent.

C. Amending § 49-1474.01 to Provide a Dollar Threshold Which Would Trigger the Applicability of the Statute.

The next potential amendment would provide a dollar threshold which would trigger the applicability of § 49-1474.01. Although the McIntyre decision involved an individual "using only their own modest resources," we see no permissible basis to require identification simply on the basis of the amount expended on election-related writings.

In Meyer v. Grant, 486 U.S. 414, 108 S.Ct. 1886 (1988), the Court stated, "The First Amendment protects {a citizen's} right not only to advocate their cause but also to select what they believe to be the most effective means for so doing." Id. at 1893 (striking down prohibition on paying petition circulators). The Court further stated, "Colorado also seems to suggest that it is permissible to mute the voices of those who can afford to pay petition circulators . . . 'But the concept that government may restrict the speech of some . . . in order to enhance the relative voice of others is wholly foreign to the First Amendment.' " Id. at 1894, n.7 (quoting Buckley, 424 U.S. 1, 48-49).

In short, financial ability is not a legitimate basis for restricting First Amendment free speech rights. "The First Amendment's protection against governmental abridgment of free expression cannot properly be made to depend on a person's financial ability to engage in public discussion." Buckley v. Valeo, 424 U.S. 1, 49. See also id. at 19. ("The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs.") (noting that a restriction on the amount of money a person can spend on political communication reduces the quantity of expression). This does not mean the State may not require reporting of expenditures at a threshold level.

D. Amending § 49-1474.01 by Repealing the Criminal Penalty Thereby Limiting it to Civil Enforcement.

Another potential amendment would simply repeal the criminal penalty in § 49-1474.01(3). As noted above, violation of § 49-1474.01 is currently a Class IV misdemeanor. It is our view that repealing the criminal penalty would simply transform an unconstitutional criminal statute into an unconstitutional civil statute. The Ohio statute invalidated in McIntyre carried a criminal penalty for violations. Ohio Rev. Code Ann. § 3599.09.1(C) (first degree misdemeanor). However, the criminal penalty could be imposed only if the Ohio Elections Commission decided not to issue a fine. Id. § 3599.09(C). In McIntyre, the citizen who successfully challenged the statute had simply been fined $100.00 by the Ohio Elections Commission.

The First Amendment ensures that protected speech is unhindered, not just that such speech will not be criminally prosecuted. Civil penalties can impede free speech as effectively as criminal penalties. Consequently, an amendment repealing only the criminal penalty would not cure the constitutional defect.

E. Amending § 49-1474.01 to Provide a Specific Time Period Surrounding an Election for the Applicability of the Statute.

The final potential amendment would provide a specific time period surrounding an election during which § 49-1474.01 would operate. The Court, in McIntyre, noted that the Ohio statute "applies not only to leaflets distributed on the eve of an election, when the opportunity for reply is limited, but also to those distributed months in advance." Id. at 4284. However, under the very facts before the Court, the leaflets were distributed on April 27, 1988, just prior to "an imminent referendum." Id. at 4280 (emphasis added). Consequently, we do not believe that limiting the applicability of § 49-1474.01 to a specific period of time surrounding an election would cure the violation of the First Amendment. It is unclear why the Court focused on the time issue, given that Mrs. McIntyre clearly engaged in her leafleting just prior to the election, and given that the Court's opinion already appears limited in its application to individuals such as Mrs. McIntyre.

Finally, in addition to the foregoing analysis, we would point out that the Court in McIntyre stated, "a State's enforcement interest {against fraud} might justify a more limited identification requirement. . . ." Id. at 4284. Consequently, it may be permissible for a state to require some identification (other than name and address) on election-related materials. It is not clear, however, what the Court meant by its reference to a "more limited" identification requirement, especially given the stringent test applied by the Court to such restrictions on political speech.

[1] It is the longstanding policy of the Office of the Attorney General not to provide opinions to State Senators on the constitutionality of existing statutes. See Op.Att'y Gen. No. 157 (Dec. 20, 1985). The Attorney General does, however, provide such opinions to state agencies due to their administrative responsibilities. See, infra, at 2. Under Nebraska law, "When the Attorney General issues a written opinion that an act of the Legislature is unconstitutional and any state officer charged with the duty of implementing the act, in reliance on such opinion, refuses to implement the act, the Attorney General shall . . . file an action . . . to determine the validity of the act." Neb. Rev. Stat. § 84-215 (1994). Consequently, corrective action in this legislative session would preclude the necessity (and expense) of a lawsuit testing the constitutionality of § 49-1474.01.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

Enclosure
cc: Clerk of the Legislature
3-2058-3

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 209. Placed on Select File as amended.
(E & R amendment, AM7156, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 418. Placed on Select File as amended.
E & R amendment to LB 418:
AM7154

1. In the Maurstad et al amendment, AM1456, on page 9, line 16, strike "34.385" and insert "34.386".

2. On page 1, lines 1 and 2, strike beginning with "sections" through "33-143" and insert "section 33-141"; and in line 4 strike "sections" and insert "section".

LEGISLATIVE BILL 613. Placed on Select File as amended.
E & R amendment to LB 613:
AM7155

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-3437, Revised Statutes

Supplement, 1994, is amended to read:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Adopted budget statement shall have the definition found in section 13-503;

(5) Fiscal year shall have the definition found in section 13-503;

(6) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(7) Growth shall mean any property tax revenue received from (a) real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, (b) ~~except for tax year 1992,~~ personal property valuation over the prior year, except that for tax year 1995, the prior year's valuation shall not include the taxable value of depreciable livestock, and (c) motor vehicle valuation over the prior year. Growth shall not include any increased property tax revenue received due (i) to a change in valuation of a class or a subclass of property or (ii) to revaluations of individual properties; and

(8) Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property and from the motor vehicle tax, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices, (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from the property taxes budgeted the prior fiscal year, or (c) property taxes levied by the county board in a ministerial capacity on

behalf of other authorities, boards, commissions, districts, entities, and political subdivisions.

Sec. 2. Section 77-3439, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 49, Ninety-fourth Legislature, First Session, 1995, is amended to read:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes more than the amount permitted by section 77-3438 by the percentage change in the Consumer Price Index - All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year, up to a maximum of ~~five~~ four percent. The increase shall be approved upon the affirmative vote of a majority of the governing body. If such increase is less than ~~five~~ four percent more than the amount permitted by section 77-3438, a governing body may increase the anticipated aggregate receipts from property taxes by an additional amount equal to the difference between the increase approved for the percentage change in the Consumer Price Index - All Urban Consumers and ~~five~~ four percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

(2) In addition to the increase permitted by subsection (1) of this section, (a) a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 and (b) the board of an educational service unit may increase the anticipated aggregate receipts from property taxes for purposes of section 79-2225. Such increase shall be upon an affirmative vote of a majority of the board taken at a public meeting of the board following (i) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (ii) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) In addition to the increase permitted by subsection (1) of this section, a public building commission created under sections 13-1301 to 13-1312, municipality, or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs upon an affirmative vote of a majority of the governing body or of the board of commissioners. Such vote shall be taken at a public meeting of the governing body or board of commissioners following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special

public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(4) In addition to the increase permitted by subsection (1) of this section, a public building commission created under sections 13-1301 to 13-1312, municipality, or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973 not reimbursed by state or federal emergency funds upon an affirmative vote of a majority of the governing body or of the board of commissioners. Such vote shall be taken at a public meeting of the governing body or board of commissioners following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(5) The governing body, board of commissioners, board of governors, or board of an educational service unit shall give at least seven calendar days' notice of a public hearing called under this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

(6) Any governing body that chooses not to increase its anticipated aggregate receipts from property taxes to its authorized level for the current fiscal year, may carry forward unused authority to the next fiscal year. In such case, the governing body shall calculate the amount of unused anticipated aggregate receipts from property taxes which shall be carried forward to future fiscal years so a governing body may increase its anticipated aggregate receipts from property taxes in future fiscal years by the amount of such total unused anticipated aggregate receipts from property taxes in addition to the amount allowable for the specific fiscal year. The calculation of unused anticipated aggregate receipts shall be included in the budget documents submitted to the Auditor of Public Accounts.

Sec. 3. Section 79-3814, Reissue Revised Statutes of Nebraska, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, ~~beginning with budgets adopted for school year 1990-91,~~ no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821, ~~for budgets adopted for school fiscal years 1991-92 through 1994-95,~~ the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 4. Section 79-3816, Reissue Revised Statutes of Nebraska, is amended to read:

79-3816. The basic allowable growth rate for general fund expenditures other than expenditures for special education shall be ~~four~~ three percent and the allowable growth range shall be from ~~four~~ three percent to ~~six~~ five and one-half percent. The budget authority for special education shall be the actual anticipated expenditures for special education subject to the approval of the state board. Such budget authority shall be used only for special education expenditures.

Sec. 5. Original sections 79-3814 and 79-3816, Reissue Revised Statutes of Nebraska, section 77-3437, Revised Statutes Supplement, 1994, and section 77-3439, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 49, Ninety-fourth Legislature, First Session, 1995, are repealed.

Sec. 6. The following section is outright repealed: Section 77-3441, Revised Statutes Supplement, 1994.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with line 2 through "1994" in line 5 and insert "79-3814 and 79-3816, Reissue Revised Statutes of Nebraska, section 77-3437, Revised Statutes Supplement, 1994, and section 77-3439, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 49, Ninety-fourth Legislature, First Session, 1995"; and strike beginning with "section" in line 9 through line 10.

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendment to LB 365:
AM7157

1. On page 1, line 3, after the semicolon insert "to provide for survey and data request forms;".

2. On page 3, line 4, insert "a" before "special".

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 142. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to examine laws affecting tenants and landlords. The study should include: (1) The feasibility and impact of setting occupancy standards for rental units in the state; (2) An examination of eviction procedures when a tenant has been arrested but not convicted of a felony; and (3) A comprehensive review of the law regarding service and alternative service as well as statewide standards for the processing of actions by the courts. The statewide standards should include recommendations for a system of training court personnel in the handling of tenant-landlord matters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to explore emerging and relevant issues relating to the administration of the criminal justice system in the State of Nebraska and in its political subdivisions. The study may include an investigation, examination, or evaluation of any component of the system deemed necessary. The study may include, but in no way be limited to, the examination of the penal system, corrections, probation, sentencing, postincarceration services, alternative sentencing and criminal sanctions, and issues involving the judiciary, corrections, or law enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Lindsay, 9; Maurstad, 30.

PURPOSE: To examine the issue of vehicular pursuits by police and liability limitations. The study shall include, but not be limited to, the policy issues raised during the hearings on LB 746 and LB 863 as introduced and heard during the 1995 session of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Lindsay, 9.

PURPOSE: The purpose of this resolution is to examine the issue of monopolies and unlawful combinations that relate to monopolies. The study may include the research of laws from other states. Specifically, the study should examine the effect that pricing strategies of big businesses have on smaller businesses. This study shall include, but not be limited to, an examination of the following:

(1) The underselling of competitors with the intent to injure or destroy competition;

(2) The effect pricing strategy legislation would have on the present businesses in the state;

(3) Changes which might be necessary in order to maximize the effectiveness of pricing strategy legislation; and

(4) Whether pricing strategy legislation would be more effective with a criminal or a civil penalty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Lindsay, 9.

PURPOSE: To study the most efficient allocation of judicial resources among the district, county, and separate juvenile courts in the State of Nebraska. The study shall include, but not be limited to: an examination of the methods of compiling and reporting judicial workload statistics; a review of the operations of and the need for the Judicial Resources Commission; the historical and future role of the Nebraska State Bar Association in the allocation of judicial resources; and the jurisdictional parameters of district and county courts. The study shall also examine the financial savings to the state due to county-funded court administrative and support personnel and any other savings to the state arising from county expenditures for court or judicial operations. The study shall make necessary recommendations, if any, concerning the reallocation of existing judicial resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to identify and provide recommendations regarding legislation that would create criminal or civil sanctions for parents of juveniles charged with criminal offenses and to examine steps that can be taken to ensure increased parental involvement and responsibility. Specifically, the study should examine the impact such legislation would have on the Department of Social Services, the fiscal impact of additional child protection service workers, the criminal justice system, and other relevant issues raised by Legislative Bill 597, Ninety-fourth Legislature, First Session, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Lindsay, 9; Pedersen, 39.

PURPOSE: The purpose of this study is to examine the issues relevant to the consideration of the policy suggested by Legislative Bill 881, Ninety-fourth Legislature, First Session, 1995, which proposed the merger of the probation and parole offices under the Department of Correctional Services. The study shall include an investigation into the fiscal, legal, procedural, and practical impact of such a merger. In addition, the study shall include the relevant issues of ex parte communication between judges and probation officers, the effect of such a merger on incarceration rates and prison populations, caseload differences in the state, and the use of alternate forms of probation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by Bromm, 23; Preister, 5; Jones, 43; Bohlke, 33; Elmer, 44; Avery, 3; Beutler, 28; McKenzie, 34.

PURPOSE: The purpose of this resolution is to study the risk-based corrective action approach to environmental clean-up, including, but not limited to, the application of such approach to the Leaky Underground Storage Tank (LUST) program and the shortage of funds to continue the funding of clean-up projects under the LUST program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150. Introduced by Schellpeper, 18.

PURPOSE: A number of states have enacted legislation creating a beverage container deposit system to promote recycling and litter reduction. Beverage container deposit laws also assist in generating revenue that may be used for other recycling initiatives such as municipal curbside recycling. The purpose of this resolution is to study the beverage container deposit systems in the various states including, but not limited to:

1. Types of beverage containers redeemed;
2. Deposit amounts;
3. Beverage container redemption rates;
4. Redemption locations;
5. Use of unclaimed deposits;
6. Handling fees;
7. The effect of beverage container redemption law requirements on retail establishments; and
8. The effect of beverage container redemption laws on curbside and other recycling efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 189. Messrs. Lindsay and Wickersham offered the following amendment to the Lindsay pending amendment:
FA223

Amend AM2234

On page 6, in line 13, after "appropriate", insert "Such public hearing may be include videoconferencing."

On page 6, in line 22, after "resources." and on page 7, in line 9, after "service." insert "The State Court Administrator shall provide adequate administrative support and information as requested by the commission."

On page 7, in line 1, strike "or"; in line 2, after "boundaries" insert ", or reallocation of a judgeship from a county, district, or juvenile court in one district to a county, district, or juvenile court in another district."

The Lindsay-Wickersham amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Lindsay pending amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2230.)

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Lindsay pending amendment:
FA224

Amend AM2234

Pg 5 line 22 strike "equal to or above the median" and insert "in the top seventy-five percentile"

Pg 6, line 7 strike "below the median" and insert "in the bottom twenty-fifth percentile"

Pg 7 strike beginning with "If" in line 12 through the period in line 16 and insert "The determination of the existence of a judicial vacancy by the commission shall be subject to legislative approval."

Pg 7 strike beginning with "determined" in line 25 through "act" in line 27 and insert "Approved by the Legislature"

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Mr. Beutler moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud
Avery
Bernard-Stevens
Beutler
Brown
Chambers
Fisher
Hall
Jensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Schimek
Warner
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 18:

Bohlke
Brashear
Bromm
Coordsen
Day
Dierks
Elmer
Engel
Hillman
Hudkins
Jones
Kristensen
Matzke
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska

Present and not voting, 5:

Crosby
Hartnett
Janssen
Robinson
Wickersham

Excused and not voting, 2:

Cudaback Robak

The Beutler amendment lost with 24 ayes, 18 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Lindsay amendment, AM2234, as amended, was adopted with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Ms. Day, Messrs. Wesely, and Schrock asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM2251

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 47. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 12, line 8, after "rendered" insert ". Licensed nurses may use the services of unlicensed individuals to provide assistance with personal care and activities of daily living".

3. On page 15, line 28, strike "empowering, appointing," and insert "appointing".

4. On page 16, lines 21 through 23, reinstate the stricken matter.

5. On page 17, line 1, strike "(2)" and insert "(3)"; in line 3 strike "(3)" and insert "(4)"; in line 9 strike "(4)" and insert "(5) Until October 1, 1997, performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and for which the attending physician or registered nurse determine can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision;

(6)"; in line 11 strike "(5)" and insert "(7)"; and in line 25 strike "(6)", show as stricken, and insert "(8)".

6. On page 18, line 11, strike "(7)" and insert "(9)".

7. On page 25, line 5, strike "services" and insert "nurses".

8. On page 31, line 20, reinstate the stricken matter.

9. On page 32, line 25, strike "twenty-five", show as stricken, and insert "fifty".

RESOLUTIONS

LEGISLATIVE RESOLUTION 151. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to examine the role of the temporary employees, Specialized Office Services (SOS), and other contractual service employees in state agencies and to evaluate the effectiveness and efficiency of temporary employees and SOS employees when utilized by state agencies. The study shall include, but is not limited to: The salary expenditures for such employees; the number of hours worked by such employees; the ratio of such employees' salary expenditures compared to total permanent, temporary, SOS, and other contractual services employee salary expenditures by agency and statewide; the use of such employees for a length of time greater than one year; the use of such employees for purposes other than temporary needs; and the use of such employees as a substitute for the agencies' inability to hire full-time employees because of the hiring freeze.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to examine the Agriculture Development Program (Budget Program No. 564) within the Department of Agriculture (department). The study shall include, but is not limited to: The eligible use of federal funds as prescribed by the United States Department of Agriculture (USDA); the actual uses of federal funds by the department; and the possible or potential uses of federal funds by the department.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to examine the number of out-of-state students attending the University of Nebraska or a Nebraska state college who become residents of Nebraska with the objective of paying lower tuition and who after graduation leave Nebraska to find employment elsewhere.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to review the number of revolving funds within state agencies. The study will include, but is not limited to, the purposes for which the revolving funds were created, the efficiencies or effectiveness of the revolving funds, and the restrictions on the use of the revolving funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to review the computer needs of and information technology upgrades within state agencies. The study will include, but is not limited to, an overview of the technology that agencies currently have and the investment in such technology, the technology requested by agencies compared to technology actually needed by agencies, and the need for a committee or an individual to oversee technology needs within agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to study the creation of the Capitol Construction Fund. The study will include, but is not limited to: The need for a Capitol Construction Fund; the uses of the fund; the agency responsible for administering the fund; and the possible funding sources for the fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to recommend a process that enables the Appropriations Committee of the Legislature and the members of the Legislature to consider the purpose and programs of an agency and their relationship to the budget process. The study will include, but is not limited to: Developing an evaluation method that allows the committee to review the results and outcomes of currently funded programs within agencies; providing an overview of programs requested by an agency for future implication that encompasses the need for such programs, the current funding necessary for such programs, and the future funding necessary to continue or ensure the efficient performance of the program; developing a budget review process that allows the committee to review agencies' budgets more thoroughly and efficiently and to look at programs within agencies that have become obsolete; recommending a possible schedule for legislative oversight during the interim; and giving consideration to the committee members and the Legislative Fiscal and Program Analyst Office personnel attending the Lyndon B. Johnson School of Public Affairs School in Austin, Texas, November 1 through November 3, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by Pirsch, 10; Dierks, 40.

PURPOSE: The purpose of this resolution is to study whether Nebraska should rewrite and update its statutes regarding abortion clinics.

LB 659, pending in the Health and Human Services Committee of the Legislature, proposes redefining "health clinic" to include the residence, office, or clinic of a private physician or association if abortions are performed there. LB 659 and its impact should be reviewed as a part of this study, as well as the regulatory schemes of other states regulating abortion clinics.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by Withem, 14.

PURPOSE: The purpose of this interim study is to research the feasibility of providing a sales and use tax exemption to charitable organizations, organized not for profit, who provide various services to the public. Currently, such organizations are required to charge sales and use tax on a sale, lease, or rental price of property and certain services.

The study shall include, but not be limited to:

1. What types of charitable organizations and services should be included in such an exemption;
2. The benefits derived by the public in providing such a tax exempt service;
3. The fiscal impact such an exemption would have on state and local entities depending on what services and organizations are included; and
4. A review of the purpose of charitable exemptions and if the current practice of charging sales tax is contrary to their public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 871. Mr. Beutler withdrew his motion, found in the Journal on page 2124, to indefinitely postpone.

Messrs. Elmer and Bromm offered the following amendment:
AM2241

(Amendments to Standing Committee amendments, AM1200)

1. Insert the following new sections:

"Section 1. Section 13-515, Revised Statutes Supplement, 1994, is amended to read:

13-515. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, ~~or~~ to any agency created pursuant to sections 18-2426 to 18-2434, or to any district organized under sections 46-101 to 46-1,163.

Sec. 3. Section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for ~~all~~ (a) water wells, excluding replacement water wells and excluding ~~other than~~ test holes and dewatering wells with intended use of ninety days or less, shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well and (b) replacement water wells shall be filed with the department at the same time as the notice of abandonment of the water well being replaced as required by subsection (2) of this section. If no replacement water well is constructed at the time of abandonment but is constructed within the time provided in subsection (3) of this section, the registration form for such replacement water well shall be filed within thirty days after construction of such replacement water well. Registration shall be on a form provided by the Director of Water Resources. The form shall contain ~~(a)~~ (i) the name, address, and signature of the owner, ~~(b)~~ (ii) the legal description of the water well, ~~(c)~~ (iii) the date drilling commenced and the date construction was completed, ~~(d)~~ (iv) the intended use of the water well, ~~(e)~~ (v) the description and depth of geologic materials encountered, ~~(f)~~ (vi) the depth and diameter or dimension of the constructed water well and test hole, ~~(g)~~ (vii) the depth and diameter or dimension of the excavated hole if applicable, ~~(h)~~ (viii) the depth of the formation stabilizer or gravel pack and size of particles if used, ~~(i)~~ (ix) the depth and thickness of grout or other sealing materials if applicable, ~~(j)~~ (x) casing information, including length, inside diameter, wall thickness, and type of material if applicable, ~~(k)~~ (xi) the static water level, ~~(l)~~ (xii) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, ~~(m)~~ (xiii) the yield of the water well in gallons per minute if applicable, ~~(n)~~ (xiv) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, ~~(o)~~ (xv) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, ~~(p)~~ (xvi) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, ~~(q)~~ (xvii) the signature of the water well contractor, ~~(r)~~ (xviii) when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and ~~(s)~~ (xix) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced.

(4) For purposes of water well registration under this

section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 8. Sections 3 and 9 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 9. Original section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995, is repealed.".

2. On page 2, line 4, strike "limitation of subdivision (5)(b) of" and insert "geographical limitation found in the definition of replacement water well in".

3. On page 3, strike beginning with "appropriations" in line 11 through "applications" in line 13 and insert "(a) appropriations for flood control or sediment control structures which will not make or cause to be made any consumptive use of the impounded water, (b) applications"; and in line 15 after the second "or" insert "(c)".

4. On page 5, line 20, strike "section" and insert "sections 13-515 and".

5. Renumber the remaining sections accordingly.

The Elmer-Bromm amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 742. E & R amendment, AM7121, found in the Journal on page 1758, was adopted.

Mrs. Bohlke withdrew her amendment, AM1742, found in the Journal on page 1788.

Mrs. McKenzie and Mr. Bernard-Stevens withdrew their amendments, AM1971 and AM2032, printed separately from the Journal and referred to on pages 1979 and 2013.

Mr. Pedersen withdrew his amendment, AM1845, found in the Journal on page 1900.

Mrs. McKenzie and Mr. Bernard-Stevens renewed their pending amendment, AM2114, printed separately from the Journal and referred to on page 2126.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke renewed her pending amendment, AM2156, found in the Journal on page 2130, to the McKenzie-Bernard-Stevens pending amendment.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

AM2176

(Amendments to Standing Committee amendments, AM1380)

1. Strike section 3.

Mr. Lynch asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2242.)

Mrs. Hillman and Mr. Brashear asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2183

(Amendments to Standing Committee amendments, AM1754)

1. PURPOSE: To review the emergency medical services system and study the feasibility of developing a statewide network of emergency air transportation.

AMENDMENT:

1. On page 32, line 27, strike "5,835,532   5,870,887" and insert "5,895,532   5,930,887".

2. On page 33, line 3, strike "26,442,606   26,645,093" and insert "26,502,606   26,705,093"; and after line 9 insert:

"There is included in the appropriation to this program for FY1995-96 $60,000 General Funds to be used only to complete the trauma care system plan as required by the Nebraska Trauma Systems Development Act. There is included in the appropriation to this program for FY1996-97 $60,000 General Funds to be used only to complete the trauma care system plan as required by the Nebraska Trauma Systems Development Act. It is the intent of the Legislature that the department present a preliminary report on or before December 1, 1995, and a final report on or before December 1, 1996.".

RESOLUTION

LEGISLATIVE RESOLUTION 160. Introduced by Education Committee: Bohlke, 33, Chairperson; Bernard-Stevens, 42; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

PURPOSE: To examine how elementary and secondary education should be financed, including possible modifications to the Tax Equity and Educational Opportunities Support Act, and how those modifications may effectively address student and taxpayer equity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 63 fourth grade students and sponsors from Harvey Oaks Elementary, Omaha; 42 fourth, fifth, and sixth grade students and sponsors from Dawson-Verdon School; and 56 sixth grade students and sponsors from Prescott Elementary, Lincoln.

ADJOURNMENT

At 5:15 p.m., on a motion by Mr. Bromm, the Legislature adjourned until 8:30 a.m., Wednesday, May 17, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTIETH DAY - MAY 17, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 17, 1995

Pursuant to adjournment, the Legislature met at 8:31 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Emeritus John Hodges, United Methodist Church, Johnson and Brock, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Bromm, Chambers, Hall, Hartnett, Landis, Lindsay, Lynch, Wehrbein, Will, Mmes. Bohlke, Brown, Hillman, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 95041

DATE: May 15, 1995

SUBJECT: Investing County Hospital Surplus Funds in Mutual Funds Comprised of U.S. Government Obligations

REQUESTED BY: Senator Curt Bromm
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested this office's opinion regarding the following issue: "Whether a county hospital may invest surplus funds in mutual funds comprised of U.S. Government securities and obligations?"

Due to legal considerations, it is the longstanding policy of this office to limit its formal opinions provided to the Legislature to topics which pertain to pending or possible legislation. As it was unclear from your request whether the topic about which you inquired dealt with pending or possible legislation, we contacted your office. In a telephone conversation on March 30, 1995, Mr. Perre Neilan indicated that if it is determined counties cannot invest surplus funds in U.S. Government securities mutual funds, you plan to initiate legislation to address that topic.

Although in general we believe it is permissible for counties to invest surplus funds in mutual funds comprised solely of U.S. Government obligations, before a definite answer could be given regarding any such particular investment, the mutual fund's organization and prospectus would have to be carefully examined. Probably the most important variable which must be addressed on a case-by-case basis is how the mutual fund is organized. The issue is by no means a clearly settled point of law in Nebraska, and other jurisdictions have arrived at differing conclusions.

There are several statutes affecting the determination of this issue. Neb. Rev. Stat. § 77-2315 (1990) controls the investment of county funds and allows for investment in U.S. Government bonds and U.S. Treasury notes. It states, in pertinent part:

> A county treasurer may by and with the consent of the county board invest in United States Government bonds, bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, United States Treasury notes, bills, or certificates of indebtedness maturing within two years from the date of purchase, or in certificates of deposit.

Another is Neb. Rev. Stat. § 77-2341(1) (Cum. Supp. 1994). The statute states:

> (1) Whenever any county, city, village, or other governmental subdivision, other than a school district, of the State of Nebraska has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such county, city, village, or other governmental subdivision may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized to invest pursuant to

the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. The state investment officer shall upon request furnish a copy of current authorized investment guidelines of the Nebraska Investment Council.

The Nebraska Capital Expansion Act neither authorizes nor prohibits investment in mutual funds. It deals with bank investments and related matters such as assuring all Nebraska banks and savings and loans are provided an equal opportunity to obtain state deposits. The Nebraska State Funds Investment Act's stated purpose is to formulate and establish policies to govern the practices to be followed by the state investment officer for investment of state funds. It likewise fails to specifically address mutual funds, but Neb. Rev. Stat. § 72-1246 (1990) directs that "The state investment officer shall invest in investments the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another . . . ."

Section 77-2341 allows state political subdivisions to invest in securities which the Nebraska Investment Council's investment guidelines authorize. The Investment Council's guidelines authorize direct investment in U.S. Government obligations (paragraph 1), U.S. Government obligations held under repurchase agreements (paragraph 6), and in investment trusts and/or companies investing in U.S. Government, government agency, and money market securities (paragraph 15). See "Nebraska Investment Council Authorized Investments" amended as of June 5, 1991.

It appears well-established that investment trusts and/or companies, referred to in Neb. Rev. Stat. § 77-2341, are mutual funds. In a footnote, the U.S. Supreme Court stated succinctly "A mutual fund is an open-end investment company" in Investment Company Institute v. Camp, 401 U.S. 617 at 625, 91 S. Ct. 1091 at 1096, (1971). See also The Mutual Fund Industry: A Legal Survey, 44 Notre Dame Law. 732 (1969); L. Loss, Fundamentals of Securities Regulation, 2d Ed. (1988); and Organization of a Mutual Fund, 49 Business Lawyer 107 (1993). Therefore, Nebraska statutes and the Investment Council's guidelines would allow county hospitals to invest in mutual funds investing in U.S. Government obligations.

The overriding control of this issue, however, necessarily resides in the Nebraska Constitution. Article XI, Section 1, of the Nebraska Constitution states:

> No City, county, town, precinct, municipality, or other sub-division of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association.

The Constitution's language certainly prohibits a county from investing in a mutual fund when the portfolio includes stock, but it does not specifically address the issue of mutual funds solely comprised of U.S. Government obligations.

Before we can answer whether a county could invest in a mutual fund, we must first address the issue of precisely what interests an investor acquires by investing in a non-stock mutual fund. The question then becomes "Do investors in a mutual fund limited to U.S. Government obligations obtain any interest in the underlying investment trust company which operates the fund, similar to corporate stockholders?" If the courts would answer the question in the affirmative, the investment of surplus funds would be unconstitutional. If the courts would find mutual fund investors do not acquire any interest in the investment company itself, then we believe the investment would be permissible.

Most case law and other authorities which address the topic of ownership interests in mutual funds deal with stock mutual funds. They do not distinguish between diversified funds and those comprised solely of U.S. Government securities. Research failed to discover any Nebraska cases which were directly on point, but several related cases might provide insight into the factors a court would take into consideration.

In State ex rel. Johnson v. Consumers Public Power District, 143 Neb. 753, 10 N.W.2d 784 (1943), the state of Nebraska sued the Defendant power district to determine whether the public power district acted beyond its authority when it purchased all the stock of another electric company (Western Public Service Company) in order to obtain the other company's facilities and equipment. Nebraska claimed Consumers Public Power District was prohibited from purchasing Western Public Service Company's corporate stock by Article XI, §1 of the Nebraska Constitution. The Court, in finding that the constitutional provision did not prevent the purchase, stated:

> This provision of our Constitution must be construed with reference to the evils it was intended to correct or prevent. It was intended to prohibit any subdivision of the state from entering into private business by being associated as a stockholder, or by being a partner, or a part owner, in a private business venture or enterprise.

Id. at 766, 10 N.W.2d at 794.

The Court looked to the purpose of the constitutional provision prohibiting the state from owning stock in private corporations in making its decision. The purpose of purchasing all of Western Public Service Company's stock was to dissolve that company and incorporate all its equipment and facilities into the Defendant's company. The Court held that Article XI, §1 of the Nebraska Constitution was intended to prohibit the state from purchasing stock and thereby owning and operating what should be private ventures, which the Court found was not Consumers Public Power District's purpose.

Other courts have decided similarly in related cases. In Long v. Mayo, 111 S.W.2d 633 (Ky. App. 1937), the state of Kentucky wanted to obtain a bridge by purchasing all the stock in the bridge company. The Kentucky Constitution, like Nebraska's, prohibited the state from becoming a stockholder in any company, association, or corporation. The Court upheld the purchase. Just as in the Consumers Public Power

District case, the Kentucky Court looked closely at the purpose the constitutional provision was intended to serve. The purpose was found to be preventing the state from entering into or acquiring an ownership interest in private business enterprises. Since the stock acquisition was for a public purpose, namely cessation of tolls on the well-traveled bridge, the purchase was acceptable. See also People ex rel. Murphy v. Kelly, 76 N.Y. 475 (1879), and Thaanum v. Bynum Irr. Dist., 72 Mont. 221, 232 P. 528 (1925).

The Nebraska Supreme Court also dealt with Article XI, §1 of the Nebraska Constitution in Nebraska League of Savings and Loan Assns. v. Mathes, 201 Neb. 122, 266 N.W.2d 720 (1978). Regarding the constitutional provision, the Court stated:

> Approximately 40 states have similar constitutional provisions. In general, such provisions were designed to prevent the use of public funds to aid in the construction of railways, canals, and similar undertakings. The intent was to keep states and political subdivisions out of private business.

Id. at 124, N.W.2 at 722.

In Mathes, the Court dealt with whether Article XI, §1 of the Nebraska Constitution prohibited political subdivisions of the state from depositing funds in mutual savings and loan associations. In particular, the Court examined whether depositors owned an interest in the association itself. The Court went on to hold that accounts in mutual savings and loan associations constituted a proprietary interest in the association. Since the depositors had a right to share in the control of the savings and loan association, as well as its profits or losses upon liquidation, deposits by political subdivisions of the state were prohibited.

The Court found that the historical context of Article XI, §1, "impels the conclusion that it was intended to prohibit any state subdivision from acquiring any proprietary or ownership interest in any private corporation or association." The Court in Mathes also looked to the purpose of Article XI, §1 in its decision. One distinction that should be drawn is that if the savings and loans in Mathes had been stock associations, as opposed to mutual associations, then the depositors would not have acquired ownership and control interests in the savings and loan association itself, and Article XI, §1 would presumably not have prohibited such investments. See Neb. Op. Att'y Gen. No. 85-132 (September 12, 1985). Thus, the particular mutual fund in which a county desired to invest would have to be examined to determine if any ownership interests in the investment trust company was being acquired. If the trust company was a stock company, the relationship depositors hold to the investment trust company operating the mutual fund might be analogous to a bank or a stock savings and loan. The state would not acquire an ownership interest in the business itself, only in the funds on deposit in the mutual fund or bank account.

When courts review constitutional provisions preventing state purchases of capital stock, the provisions' intended purpose have been examined and applied to the circumstances. Applying this reasoning to the issue of investing in mutual funds comprised of government securities indicates the Court would look to whether such investments fall into the category of activities Article XI, §1 of the Nebraska Constitution was intended to prohibit. By investing in mutual funds comprised solely of U.S. Government securities, a subdivision of the state would not normally be entering into a private business venture or enterprise. Of course, each mutual fund is different, and we emphasize that the individual mutual fund's investment agreement and prospectus be scrutinized to ensure a county would in fact not acquire any ownership interest in the investment trust company itself.

Several other state's Attorneys General have addressed issues similar to the one posed in your opinion request. The Idaho Attorney General reviewed the constitutionality of a state statute which authorized investment in money market mutual funds limited to obligations of the U.S. Government or its agencies. Idaho has a constitutional provision very similar to Nebraska's Article XI, §1. The Idaho Attorney General's opinion found investments in U.S. Government obligation mutual funds are constitutionally permitted, as long as the state did not thereby become a stockholder in any association or corporation. It was advised that investment decisions be made on a case-by-case determination based on the intended mutual fund's organization. 85 Idaho Op. Att'y Gen. 4 (1985).

Oregon likewise has a constitutional provision prohibiting the state or its political subdivisions from becoming a stockholder in any joint company, corporation, or association. In a footnote of one opinion, the Oregon Attorney General stated that a government entity's investment in a mutual fund entirely comprised of commodities, mortgages or other non-stock investment media would be permissible. 43 Or. Op. Att'y Gen. 186 (1983). However, a later Oregon Attorney General Opinion specifically qualified the earlier opinion's statement, noting that "investment in shares issued by a mutual fund may also constitute direct ownership of stock in a joint company, corporation or association in violation of the Oregon Constitution, whether or not the mutual fund assets include stocks issued by other companies." Or. Op. Att'y Gen. (original not numbered) (March 31, 1986). The Opinion did not go on to explain why the qualification was necessary or on what it was based. Although the Oregon Attorney General concluded that cities and counties could not invest in mutual funds, it was based on an Oregon statute which did not authorize investments in mutual funds.

In comparing the two opinions, it appears the Oregon Attorney General was unable to arrive at a definite answer on the topic without having the opportunity of examining a specific mutual fund. It is not clear whether a mutual fund limited to U.S. Government obligations would be included in the later qualifying language. But on the face of the language in the second opinion, it seems the Oregon Attorney General is acknowledging the uncertainty in the area mentioned in the outset of this opinion.

Other sources have indicated that investment of state funds in U.S. Government security mutual funds may not be authorized. In a

Missouri Attorney General's opinion, it was found that a public ambulance district could not invest in mutual funds, as it would violate the portion of Missouri's Constitution similar to Article XI, §1 in Nebraska's Constitution. 88 Mo. Op. Att'y Gen. 26 (1988). The Missouri Attorney General's opinion is of limited value in our discussion, though, as it did not draw any distinction between corporate stock mutual funds and any other types. Mutual funds limited to U.S. Government securities were not discussed.

In Baum v. Investors Diversified Services, Inc., 286 F. Supp. (N.D. Ill. 1968), investors claimed an investment company's policy of reducing the "load" (administrative fee) relative to the amount of money invested was discriminatory. The suit was based on the Robinson-Patman Act, which prohibited discrimination against purchasers of commodities. Some of the language dealing with descriptions of mutual funds may apply to our issue, however. The Court stated:

> A mutual fund share is a security reflecting undivided ownership in a mutual fund company. Such shares are not traded by shareholders but are redeemable upon their request. The shareholder need pay no commission upon redemption. The value of a share is determined by dividing the total number of shares outstanding into the market value of the securities held at any given point in time. Such value is deemed the "net asset value." Each share, therefore, represents an undivided interest in the total portfolio of the mutual fund company.

Baum at 917 (emphasis added).

The Court held the investors did not actually own the securities, but only held a right to redeem their respective portion of the portfolio, and the investors held an interest in the mutual fund company itself. If the Nebraska courts adopted a similar view, investment in mutual funds comprised entirely of U.S. Government obligations may be prohibited by Article XI, §1 of the Nebraska Constitution.

In a Louisiana Attorney General's opinion, it was concluded that Louisiana statutes allowing excess funds of political subdivisions to be invested in money market mutual funds were unconstitutional. 88 La. Op. Att'y Gen. 546 (1988) The opinion was able to examine a particular mutual fund, as the state investment officer had already invested surplus funds into that fund. Just as in your inquiry, the mutual fund involved consisted of U.S. Government obligations.

The bond resolutions controlling where the funds could be deposited specifically allowed investment in direct general obligations of the United States. The Louisiana Attorney General concluded the investments violated Article VIII, §14, subsection (A) of the Louisiana Constitution, which sets out that ". . . Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private purpose."

The opinion states that "Investing in a money market mutual fund in not the same as investing in a direct general obligation of the United States." The opinion cited to the Baum decision, noting that the Court there had pointed out when investing in money market mutual funds, shares are purchased in a portfolio. The investor does not thereby purchase the actual security.

The opinion also states that mutual funds typically have Boards of Trustees or fund managers, but investors are shareholders who have voting rights. The opinion concluded that the purchase of mutual fund shares by governmental subdivisions violated the Louisiana constitution "{b}ecause an investment in a mutual fund is actually the purchase of an undivided ownership in a mutual fund company, and not a purchase of the underlying securities...."

Although this reasoning would certainly be true for mutual funds investing in private stocks, we believe the organization of a mutual fund investing solely in U.S. Government securities would have to be examined to determine whether investors were in fact acquiring voting rights.

In conclusion, the issue of whether a state or any of its political subdivisions may invest in mutual funds investing solely in U.S. Government securities is unclear. Nebraska courts have not addressed the issue, and the authorities around the country which have addressed this or similar topics are divided. In our opinion, the central issue involved is what interest mutual fund investors acquire when they invest in a mutual fund comprised of U.S. Government securities. The purpose of Article XI, §1 of the Nebraska Constitution is arguably met when a county avoids mutual funds involved in corporate stocks and avoids taking any active role in operating any private business venture.

But other authorities believe investments in mutual funds, even those comprised entirely of U.S. Government securities, represent an investment in and part ownership of the mutual fund company which operates the fund. If this view would be taken by a court, then such investments would be unconstitutional in Nebraska.

We believe it is generally permissible for counties to invest surplus funds in mutual funds comprised solely of U.S. Government obligations. Before a definite answer could be given regarding investment in any particular mutual fund, its organization and prospectus would have to be carefully examined to ensure that the state or its political subdivision was not thereby acquiring an interest in the investment company.

Your office indicated that if a county could not invest in U.S. Government security mutual funds, that you would consider legislation to provide for it. Due to the constitutional basis for the potential prohibition of such investments, we believe to remove the uncertainty in the area would require a constitutional amendment to Article XI, §1, specifying that investments in management investment company portfolios limited to U.S. Government securities are permissible.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel

Assistant Attorney General

08-03-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT ROBAK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3506.02 and 77-3523, Revised Statutes Supplement, 1994, and section 77-3517, Revised Statutes Supplement, 1994, as amended by section 5, Legislative Bill 133, Ninety-fourth Legislature, First Session, 1995; to change application and approval provisions for homestead exemptions; to change and provide powers and duties for county assessors and the Tax Commissioner; to change provisions relating to calculations used for homestead exemption purposes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Avery
Bernard-Stevens
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 17:

Abboud
Bohlke
Bromm
Brown
Chambers
Hall
Hartnett
Hillman
Landis
Lindsay
Lynch
Robak
Schimek
Stuhr
Wehrbein
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 699.

A BILL FOR AN ACT relating to employment agencies; to amend sections 48-507, 48-508, and 48-523, Reissue Revised Statutes of Nebraska; to change form and record requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Avery
Bernard-Stevens
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 17:

Abboud
Bohlke
Bromm
Brown
Chambers
Hall
Hartnett
Hillman
Landis
Lindsay
Lynch
Robak
Schimek
Stuhr
Wehrbein
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739.

A BILL FOR AN ACT relating to family policy; to amend section 43-533, Reissue Revised Statutes of Nebraska, and section 43-2403, Revised Statutes Supplement, 1994; to change provisions relating to reunification policy; to change provisions relating to objectives of the Juvenile Services Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Bernard-Stevens
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer

Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 17:

Abboud
Bohlke
Bromm
Brown
Chambers
Hall
Hartnett
Hillman
Landis
Lindsay
Lynch
Robak
Schimek
Stuhr
Wehrbein
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to city planning; to amend section 19-908, Reissue Revised Statutes of Nebraska; to change board of adjustment membership requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 15:

Abboud
Bohlke
Brown
Chambers
Hall
Hillman
Landis
Lindsay
Lynch
Robak
Schimek
Stuhr
Wehrbein
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 563

Mr. Schrock withdrew his amendment, AM1768, found in the Journal on page 1955, to LB 563.

MOTION - Return LB 563 to Select File

Ms. Day moved to return LB 563 to Select File for the Day-Wesely-Schrock specific amendment, AM2251, found in the Journal on page 2210.

Ms. Day, Messrs. Wesely, and Schrock withdrew their amendment, AM2251, found in the Journal on page 2210.

Ms. Day moved to return LB 563 to Select File for the following Day-Wesely-Schrock specific amendment:
FA225

(Amendments to Final Reading copy)

1. Insert the following new section:
"Sec. 47. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 12, line 8, after "rendered" insert ". Licensed nurses may use the services of unlicensed individuals to provide assistance with personal care and activities of daily living".

3. On page 15, line 28, strike "empowering, appointing," and insert "appointing".

5. On page 17, line 1, strike "(2)" and insert "(3)"; in line 3 strike "(3)" and insert "(4)"; in line 9 strike "(4)" and insert "(5) Until October 1, 1997, performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and for which the attending physician or registered nurse determine can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision;

(6)"; in line 11 strike "(5)" and insert "(7)"; and in line 25 strike "(6)", show as stricken, and insert "(8)".

6. On page 18, line 11, strike "(7)" and insert "(9)".

7. On page 25, line 5, strike "services" and insert "nurses".

8. On page 31, line 20, reinstate the stricken matter.

9. On page 32, line 25, strike "twenty-five", show as stricken, and insert "fifty".

The Day motion to return prevailed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 563. The Day-Wesely-Schrock specific amendment, FA225, found in this day's Journal, was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to the State Government Effectiveness Act; to amend sections 81-2704, 81-2706, and 81-2707, Reissue Revised Statutes of Nebraska; to change provisions relating to reports and findings prepared by the Public Counsel; to provide for hearings; to change provisions relating to certain personnel actions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Beutler
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
McKenzie
Pirsch
Robinson
Schellpeper
Schrock
Wehrbein
Wesely
Wickersham

Voting in the negative, 9:

Avery
Brashear
Crosby
Maurstad
Pedersen

Preister
Schimek
Warner
Witek

Present and not voting, 5:

Bernard-Stevens
Kristensen
Matzke
Schmitt
Vrtiska

Excused and not voting, 9:

Abboud
Brown
Hall
Landis
Lindsay
Robak
Stuhr
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to community development; to amend section 18-2115, Reissue Revised Statutes of Nebraska; to change notice provisions relating to community redevelopment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Jensen
Witek

Excused and not voting, 9:

Abboud
Brown
Hall
Landis
Lindsay
Robak
Stuhr
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 438.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend sections 48-719, 48-722 to 48-727, 48-729 to 48-733, 48-737, and 48-743, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to boiler inspections and fees charged; to provide for special inspector commissions; to create a fund and change funding; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-734 and 48-735, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Chambers
Hall
Landis
Lindsay
Robak
Stuhr
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 438A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens
Lynch
Maurstad

Excused and not voting, 9:

Abboud
Chambers
Hall
Landis
Lindsay
Robak
Stuhr
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced Friday is Mr. Fisher's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 459.

A BILL FOR AN ACT relating to snowmobiles; to amend sections 60-6,322, 60-6,324, 60-6,331, 60-6,335, and 60-6,339, Reissue Revised Statutes of Nebraska; to provide for decals; to change the registration period; to eliminate provisions relating to number plates and equipment regulations; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Cudaback
Fisher
Lynch

Excused and not voting, 9:

Abboud
Chambers
Hall
Landis
Lindsay
Robak
Stuhr
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 473.

A BILL FOR AN ACT relating to insurance; to amend sections 44-749, 44-4101, and 44-4110, Reissue Revised Statutes of Nebraska, and sections 44-513 and 44-1525, Revised Statutes Supplement, 1994; to provide requirements for preferred provider policies and contracts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper

Schimek	Schrock	Warner	Wesely	Witek
Schmitt	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Bromm

Excused and not voting, 8:

Abboud	Landis	Robak	Will	Withem
Chambers	Lindsay	Stuhr		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 391 to Select File

Mr. Pedersen moved to return LB 391 to Select File for the Pedersen-Avery specific amendment, AM2030, found in the Journal on page 2034.

Pending.

MOTION - Bracket LB 391

Mr. Chambers moved to bracket LB 391 until June 1, 1995.

Mr. Chambers withdrew his motion to bracket.

MOTION - Return LB 391 to Select File

The Pedersen pending motion, found in this day's Journal, to return LB 391 to Select File for the Pedersen-Avery specific amendment, AM2030, found in the Journal on page 2034, was renewed.

Mr. Pedersen withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 391. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 5:

Abboud
Landis
Robak
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 393. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1995-96 and FY1996-97; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel

Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 5:

Abboud
Landis
Robak
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 395. With Emergency.

A BILL FOR AN ACT relating to state employees; to amend sections 81-1317, 81-1317.01, 81-1348, and 84-1611, Reissue Revised Statutes of Nebraska; to change provisions relating to employment and employee health benefits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 6:

Abboud	Lynch	Robak	Will	Withem
Landis				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 646A.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

AM1974

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. Notwithstanding any other provision of this act, compliance review documents may be disclosed if a court of record, after an in camera hearing, determines that:

(1)(a) The compliance review documents show evidence that the person for which the compliance review documents were prepared is not or was not in compliance with applicable state or federal statutes or rules and regulations; and

(b) The person did not initiate, after the audit or review, appropriate efforts to achieve compliance with applicable state or federal statutes or rules and regulations and did not promptly supply the appropriate regulators with the information contained in the compliance review document if such action was required by state or federal statutes or rules and regulations; or

(2) The confidentiality protection is being asserted for a fraudulent purpose or the compliance review documents were prepared in order to avoid disclosure of information in an investigative, administrative, or judicial proceeding that was underway or for which the person had been provided written

notification that an investigation into a specific violation had been initiated.".

2. On page 2, line 13, after "committee" insert "for the purpose of ascertaining compliance with state or federal statutes or rules and regulations"; in line 19 strike "and"; and in line 22 after "entity" insert "; and

(6) In camera review means a hearing or review in a courtroom, hearing room, or judge's chambers (a) to which the general public is not admitted, (b) after which the evidence and the statements of the judge, hearing officer, and counsel are held in confidence by those participating in or present at the hearing or review, and (c) any transcript of which is sealed and not considered a public record until and unless its contents are disclosed by a court having jurisdiction over the subject matter of the hearing".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

FA226

On page 156, line 22, strike "1996" and insert "1998"

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on final passage of LB 699.

(Signed) Pam Brown

RESOLUTIONS

LEGISLATIVE RESOLUTION 161. Introduced by Chambers, 11.

PURPOSE: The purpose of this resolution is to review and analyze factors involved in the deaths of regional center patients. Over the past ten years, there have been eighty-four deaths at the state's regional centers resulting from illnesses, suicides, accidents, and at least one murder. This study should include, but not be limited to: The determination of what safeguards are currently in place regarding patient health and safety and the adequacy of these safeguards; what resources are available to prevent and investigate patient deaths; and the qualifications of and training requirements for regional center staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162. Introduced by Chambers, 11.

PURPOSE: The purpose of this resolution is to study medical and health care services available to inmates of the Department of Correctional Services. Issues to be examined shall include, but not be limited to: Whether access to services is delayed; if services or care is denied and under what circumstances; what quality of care is received; whether staffing numbers are adequate to meet the medical and health care needs of inmates; and the qualifications of and training requirements for staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163. Introduced by Chambers, 11.

PURPOSE: The purpose of this study is to examine and analyze deaths of inmates while in the custody of the Department of Correctional Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to review and update the General Principles of Sound Retirement Planning. The General Principles of Sound Retirement Planning are utilized by the Nebraska Retirement Systems Committee to evaluate proposed legislation and issues regarding Nebraska public retirement systems. The study shall review the analysis and recommendations on the general principles that were completed under LR 383 (1994). The study shall revise the existing general principles, as necessary, include additional principles as appropriate, and prioritize all principles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to review and evaluate Nebraska's policy on the purchase of prior service credit, or "buy back", under the Nebraska public retirement systems administered by the Public Employees Retirement Board. The study shall include, but not be limited to:

(1) Review of the conclusions and recommendations of the buy-back report originally authorized in LR 328 (1992);

(2) Comparison of existing buy-back provisions for the three Nebraska defined benefit plans and the need for revision of existing provisions to achieve uniformity and equity between and within the systems;

(3) Identification of additional periods of service which should be considered for buy back;

(4) Review of methods for allocating costs of the buy-back provisions, including assessing the employee with (a) the full actuarial cost to the system for the purchase of prior years of service, (b) employee and employer contributions at current salary and contribution rates, and (c) employee and employer contributions at prior salary and contribution rates plus interest;

(5) Review of need to track actuarial costs of all buy-back provisions; and

(6) Identification of subsidies provided in Nebraska's buy-back provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to review the forfeiture of employer contributions under the state and county retirement plans upon termination of employment. The study shall include, but not be limited to:

(1) Review of the forfeiture procedures in the state and county retirement systems;

(2) Review of the forfeiture procedures in other public or private defined contribution plans;

(3) Identification of the appropriate time frame for forfeiture to occur;

(4) Evaluation of whether separate procedures should apply to part-time or seasonal employees; and

(5) Reinstatement of non-forfeited employer contributions and crediting of forfeited employer contributions of rehired employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to study the treatment of employees who are rehired after the date of retirement or termination. The study shall include a review of the following:

(1) Current statutory provisions and administrative procedures regarding membership, either voluntary or mandatory, of reemployed members in Nebraska's defined benefit and defined contribution plans;

(2) Current statutory provisions and administrative procedures regarding payment of benefits to reemployed members under Nebraska's defined benefit and defined contribution plans;

(3) Disparate treatment of part-time and full-time employees;

(4) Federal and other states' laws on membership and cessation of retirement benefits for reemployed employees; and

(5) Treatment of lump-sum distributions and rollovers in defined contribution plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to study whether Nebraska should allow members to rollover contributions from other defined contribution plans into the state or county retirement systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to study the effect of qualified domestic relations orders on the benefits received under the Nebraska public retirement systems administered by the Public Employees Retirement Board and to evaluate the need for revision of current statutory provisions relating to spouse benefits and former-spouse benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to study whether Nebraska should provide different or additional retirement benefits to elected officials and employees of elected officials. The study shall include a review of the following:

1. Characteristics of elected officials and employees of elected officials which justify implementing different retirement provisions for such employees;
2. Current Nebraska state and county retirement provisions;
3. Other states' public employees retirement plans;
4. Potential revisions to current retirement provisions, including Legislative Bill 844, Ninety-fourth Legislature, First Session, 1995; and
5. Internal Revenue Code provisions which may restrict any revisions of current provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to study the issues associated with allowing police officers participating in a public retirement system to make voluntary cash contributions to the retirement system in excess of the required employee contributions. The study shall include a review of: (1) Current statutory and city ordinances allowing voluntary cash contributions by police officers or other public employees; (2) other states' policies regarding voluntary cash contributions; and (3) Internal Revenue Code limitations on voluntary cash contributions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172. Introduced by Schmitt, 41.

PURPOSE: To examine the issues posed by Legislative Resolution 12CA of this session. LR 12CA (withdrawn) introduced the concept of direct election of judges. The study shall include, but not be limited to, an examination of the historical methods of judicial selection and retention in Nebraska and the methods used by neighboring states. The study should examine the Nebraska experience concerning judicial retention since the adoption of the "Missouri Plan". Additionally, the study should include an examination of the interaction between the Judicial Code of Ethics and the political campaign process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to examine the classification of criminal offenses and the penalties associated with those classifications. Since the recodification of the criminal code by the Legislature in 1977, several changes to the classification of felonies and misdemeanors have been enacted. The study will analyze whether those changes have skewed the Legislature's determination of the relative seriousness of particular violations of law and, if warranted, will recommend the restructuring of the classifications and the reclassifying of particular crimes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to explore the current method of administration of, and to examine options and alternatives to, county government in Class 7 counties as defined by Nebraska Revised Statutes section 23-1114.01. The study shall include, but not be limited to, a comparative evaluation of the types of administration of county government now authorized by statute as well as alternative proposals including administrative, departmental, or functional changes. The study shall examine potential consolidations that would result in greater efficiencies and accessibility. The study shall also examine fiscal and legal impacts and other practical considerations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 392. Mr. Bernard-Stevens withdrew his amendment, AM2089, found in the Journal on page 2077.

Mr. Avery offered the following amendment:
AM1985

(Amendments to Standing Committee amendments, AM1754)

1. On page 82, line 17, strike "25,556,640 25,489,219" and insert "25,115,629 24,721,628"; and in line 21 strike "50,713,947 51,343,472" and insert "50,272,936 50,575,881".
2. On page 84, strike lines 5 through 19.
3. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "304,191,479 301,729,842"; and strike lines 26 and 27.
4. On pages 86 and 87, strike lines 1 through 27.
5. On page 88, strike lines 1 through 4.
6. On page 89, strike lines 9 through 24.
7. On page 90, strike lines 5 through 20.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 499, 699, 739, 805, 856, 140, 438, 438A, 459, 473, 391, 393, and 395.

SELECT FILE

LEGISLATIVE BILL 392. The Avery pending amendment, AM1985, found in this day's Journal, was renewed.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Avery moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Avery amendment lost with 12 ayes, 24 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Avery withdrew his amendment, AM1984, found in the Journal on page 2000.

Mr. Jensen offered the following amendment:
AM2045

(Amendments to Standing Committee amendments, AM1754)

1. On page 23, line 27, strike "1,955,245 2,002,201" and insert "1,935,545 1,863,701".

2. On page 24, line 2, strike "1,975,245 2,022,201" and insert "1,955,545 1,883,701".

Messrs. Brashear, Maurstad, Hartnett, Elmer, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen withdrew his amendment.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 1995, at 10:20 a.m., were the following bills: 499, 699, 739, 805, 856, 140, 438, 438A, 459, 473, 391, 393, and 395.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 175. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Custodial Trust Act (UCTA). The study should include a review of the provisions of LB 748 which proposes enactment of the UCTA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to examine Nebraska's statutes regarding deposit of public funds in financial institutions.

The study should include a review of the statutes requiring financial institutions to provide security for public funds held in excess of deposit insurance and the consideration of changes to make these statutes more uniform and consistent in their application to the various entities of government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Kristensen, 37; Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should replace its current nonprofit corporation statutes by enactment of a Nebraska version of the Revised Model Nonprofit Corporation Act as developed by the Business Law Section of the American Bar Association (ABA). The study should include a review of the provisions of LB673, pending in the Banking, Commerce and Insurance Committee of the Legislature, which proposes enactment of the ABA model act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation providing for licensure and regulation of insurance adjusters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179. Introduced by Day, 19; Jensen, 20; Schimek, 27; Pirsch, 10; Wesely, 26; Dierks, 40; Matzke, 47.

PURPOSE: The purpose of this study is to investigate the services to patients at the state's regional centers and community mental health centers. The study shall also include, but not be limited to, patient quality of care, patient safety, funding, organizational structure, and the endeavor of the centers to work in a united effort.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall seek the cooperation of the Legislative Council's Ombudsman in this study.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Colonel James A. Pearson - Parole Board

VOTE: Aye: Senators Lindsay, Fisher, Hall, Hudkins, and Pedersen. Nay: Senator Chambers. Absent: Senators Abboud and Robak.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

AM2207

1. On page 9, strike beginning with "similarly" in line 19 through the period in line 21, show as stricken, and insert ", upon the election of a new member, similarly shall file a list of names and residences of its new members by the first day of January, the first day of April, the first day of July, or the first day of October, whichever day is the nearest.".

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

AM2206

1. On page 9, strike beginning with "similarly" in line 19 through the period in line 21, show as stricken, and insert ", upon the election of a new member, similarly shall file a list of new members and their residences within ten days after the election

or on or before the first day of the following month, whichever period of time is longer.".

VISITORS

Visitors to the Chamber were 55 fourth grade students and sponsors from Gates Elementary, Grand Island; Senator Brashear's son, Kermit Brashear III, from Omaha; and 30 fifth and sixth grade students and sponsor from Elgin.

RECESS

At 12:00 noon, on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Elmer, Engel, Jones, Landis, Lynch, Matzke, Robinson, Schellpeper, Will, Mmes. Bohlke, Brown, McKenzie, Pirsch, and Ms. Day who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 180. Introduced by Bernard-Stevens, 42.

PURPOSE: Due to the significant number of legislative resolutions offered every legislative session and the time constraints the Legislature faces, this study proposes to develop criteria for the introduction of legislative resolutions. This study should also address the beneficial outcome of limiting items that can be debated on the legislative floor that do not pertain to legislative business.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Kristensen, 37.

PURPOSE: In 1996, the electors of the state will vote on whether to amend the Constitution of Nebraska to establish the Tax Equalization and Review Commission and eliminate equalization powers of the State Board of Equalization and Assessment. An interim study is necessary to examine how best to eliminate the State Board of Equalization and Assessment and implement the Tax Equalization and Review Commission.

The study shall examine and review the administrative, fiscal, and procedural impact of eliminating the State Board of Equalization and Assessment and the necessary procedure for implementing the Tax Equalization and Review Commission. The study will further examine and review state regulation of the commission and shall make recommendations regarding the appropriate form, structure, and scope that such regulation should entail.

The study shall take into account the provisions of LR 3CA and LB 490.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Robak, 22.

PURPOSE: To study the need for health insurance coverage for the diagnosis and nonexperimental treatment of infertility. This issue was addressed in LB 711, Ninety-fourth Legislature, First Session. Infertility affects one in every seven families across the state. The study shall include obtaining information (1) on the number of families that do and do not currently have access to health insurance coverage for infertility, (2) on the number of health insurance providers that do and do not offer health insurance coverage for infertility, and (3) on the probable costs of providing health insurance coverage for infertility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the full Legislature by December 1995.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Robak, 22.

PURPOSE: The purpose of this resolution is to examine the effectiveness of existing regulatory and statutory due process rights and procedures for Nebraskans with severe and persistent mental illness and their families in accessing the mental health service systems or particular services and in accessing meaningful participation in treatment or rehabilitation planning, coordination, and implementation.

Such study shall solicit the input of all stakeholders, including mental health providers, consumers, advocates, family members, members of state and local law enforcement, mental health board members, the judiciary, state regulatory agencies, and other interested persons or organizations from both rural and urban environments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Robak, 22.

PURPOSE: The purpose of this resolution is to study the need for, the existence of, and the effectiveness of regulatory and statutory substantive and procedural due process protections and other mechanisms to protect vulnerable, civilly committed Nebraskans with severe and persistent mental illness from human and legal rights violations within the three state mental hospitals.

This study may include, but not be limited to, rights, treatment procedures, and enforcement mechanisms relating to the following: (1) The use of active treatment and rehabilitation strategies designed to improve an individual's long-term functioning; (2) active participation in treatment planning processes and methods to overcome barriers to such participation; (3) the use of forced medication; (4) restraint and seclusion practices; (5) protections against sexual exploitation and abuse, physical abuse, emotional abuse, neglect, and other rights violations; and (6) due process procedures, treatment planning procedures, and other appropriate mechanisms when human, legal, or treatment rights are proposed to be limited on an individualized basis.

Such study shall solicit the input of all stakeholders, including mental health providers, consumers, advocates, family members, members of state and local law enforcement, mental health board members, the judiciary, state regulatory agencies, and other interested persons or organizations from both rural and urban environments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Robak, 22.

PURPOSE: The purpose of this resolution is to develop recommendations for evaluating the impact of managed care on mental health service delivery to Nebraskans with severe and persistent mental illness and their families.

The study shall include, but not be limited to, the costs, benefits, quality, and other financial and human impacts of managed care on public and private mental health care providers, consumers, and families as well as the overall effectiveness of treatment and rehabilitation services.

The study shall examine the involvement of consumers and families in the design, development, and ongoing evaluation of the service system, the use of and access to inpatient, outpatient, pharmacological, psychosocial rehabilitation, case management, education, and consumer-delivered services and all other proven-effective modes of treatment appropriate to the individual's needs, including emergency services, crisis intervention, and short-term and long-term care.

The study shall also examine other appropriate indicators of quality services such as prevention, early intervention, consumer satisfaction, and specific measures of short-term and long-term outcomes of mental health services in the lives of consumers, their families, and their communities.

Such study shall solicit the input of all stakeholders, including public and private mental health providers, consumers, advocates, family members, state regulatory agencies, and other interested persons or organizations from both rural and urban environments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Robak, 22.

PURPOSE: The purpose of this resolution is to examine the impact of limitations of mental health coverage in private insurance contracts on the lives of Nebraskans with severe and persistent mental illnesses and their families as well as the impact on the publicly funded inpatient and outpatient mental health systems. The study shall include an examination of litigation across the country challenging these limitations and the efforts by other states such as Maine, New Hampshire, Rhode Island, Maryland, Texas, and California to pass legislation and by members of Congress, including Senator Domenici of New Mexico, to introduce legislation requiring that significant brain disorders be covered with greater parity to other physical illnesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 490A. Mr. Kristensen renewed his pending amendment, AM2033, found in the Journal on page 2017.

Mr. Kristensen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 519. Title read. Considered.

Mr. Chambers renewed his pending amendment, AM2219, found in the Journal on page 2172.

SPEAKER WITHEM PRESIDING

Messrs. Bernard-Stevens and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Beutler offered the following amendment to the Chambers pending amendment:
FA227

Amend AM2219 to LB 519 as follows:

1. Strike Subsection (7) of Section 1.
2. Strike the words "in the public interest and one" on lines 2 and 3 on page 2.
3. Add the word "may" on line 8 page 2.
4. On line 23, page 2 strike the word "one" and insert the words "may be". On line 24, page 2 strike "are not" and insert "may not be." On line 26, page 2 add the words "unless also executed by the governor"
5. On line 4, page 3 add at the end "unless executed in accordance with Section 2 hereof"
6. On line 8, page 3 add at the end "unless executed in accordance with Section 2 hereof"
7. On page 3, line 18 add the following at the end "This act shall apply prospectively only"

Mr. Pedersen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Pending.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Tuesday, May 30, 1995 1:30 p.m.
David L. Gilfillan - Nebraska Railway Council

(Signed) Douglas Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2236

(Amendments to AM2114)

1. On page 1, line 3, strike the comma.
2. On page 3, line 24, strike "preventative" and insert "preventive".
3. On page 4, line 6, strike "9" and insert "8".
4. On page 12, strike "(2)(a)" and insert "(2)".
5. On page 13, strike lines 1 through 23.

RESOLUTIONS

LEGISLATIVE RESOLUTION 187. Introduced by Maurstad, 30.

PURPOSE: The purpose of this resolution is to examine the placement of legal counsels from all or some state agencies under the direction of the Attorney General. The study will include, but not be limited to: The pros and cons of having legal counsels under the direction of the Attorney General; the policy reasons for having legal counsels under the direction of the Attorney General; a cost analysis of having legal counsels within the Attorney General's office compared to remaining within the agencies; and a comparison of Nebraska's system with other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by Jones, 43.

PURPOSE: To study the feasibility of a system of state-issued drivers' licenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189. Introduced by McKenzie, 34; Schimek, 27.

PURPOSE: The purpose of this study resolution is to review objectives in Nebraska's family policy objectives described in sections 43-532 to 43-534 and the Juvenile Services Act as they relate to the reunification of families and children. This study will include, but not be limited to, the review of reunification policy and the priorities set forth during the decision process. These priorities should maintain that the best interests of the child, including needs and safety, are not compromised.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by McKenzie, 34.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the development and need for supplemental programs in our public schools for learners with high ability. This study shall include, but not be restricted to, the issues brought to the Legislature through LB 740, introduced during the Ninety-fourth Legislature, First Session, 1995, to change the certification requirements for an entry-level teacher or administrator. The completion of at least three semester credit hours of course work in the education of learners with high ability would be required.

Also included in the study shall be the analysis of activating a five-year to ten-year plan for the stimulation of quality programs for learners with high ability in Nebraska schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select committee of the Legislature shall be selected and the State Department of Education shall conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Public libraries in Nebraska may be organized and governed pursuant to several separate chapters of law, depending upon the population of the community where they are located and the will of the local governing body. This can cause confusion over the legal requirements and responsibilities in relation to both the state and the local communities. In addition, there are concerns about providing access to library service for citizens who lack access to such service and about maintaining an appropriate level of funding for public libraries. This study will include, but not be limited to, an examination of the following issues:

1. Whether all public libraries in Nebraska should be organized and governed pursuant to one set of statutory provisions;
2. Whether providing options for different forms of library organization can help in providing access to people who lack library service;
3. Methods of improving the funding of libraries in the State of Nebraska; and
4. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Gaming has expanded greatly in recent years in the states which border Nebraska. This includes casinos at racetracks, Native American casinos, riverboat gambling, and the use of video lottery terminals in licensed liquor establishments. Gaming in bordering states has had an impact on a number of activities in the State of Nebraska and has generated numerous questions about the appropriate response by the State of Nebraska. This study shall include, but is not limited to, an examination of the following:

1. The extent that gaming in bordering states has an impact on horseracing in the State of Nebraska;

2. The extent that gaming in bordering states has affected charitable gaming, county and city lotteries, and the state lottery;

3. The extent that gaming in bordering states has affected other businesses in the State of Nebraska, including, but not limited to, restaurants, taverns, and recreational facilities;

4. The appropriate methods of competition with gaming in other states, including whether the State of Nebraska should expand its gaming activities, the type of expansion appropriate, and the appropriate allocation of gaming devices if expansion occurs;

5. The appropriate allocation of revenue from any type of expanded gaming;

6. The appropriate methods of regulation of any type of expanded gaming; and

7. Any other matters necessary or appropriate for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Charities in the State of Nebraska generated more than two hundred million dollars in wagers on various kinds of charitable gaming activities in the most recent fiscal year. The revenue generated from this activity went to support a number of charitable causes, including support of private schools, youth sports leagues, and volunteer fire departments. A number of these charitable gaming activities provided funding for activities which otherwise would have required the expenditure of state and local tax revenue. This study shall include, but not be limited to, an examination of the following:

1. The types of gaming which generate revenue for charitable purposes;

2. Whether this type of gaming is properly regulated;

3. Whether expansion of gaming in surrounding states has hurt charitable gaming;

4. Whether expansion of gaming in Nebraska will hurt charitable gaming;

5. Whether there are methods of protecting the interests of charitable gaming in Nebraska;

6. Whether there are fair, understandable, and workable methods for permitting expanded gaming activities by and for the benefit of charities; and

7. Any other matters necessary or appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: In many states, legalized gaming is governed and regulated by an appointed gaming commission. The role and authority of such a commission varies from state to state depending in part upon the type of gaming legalized in the state and the historical relationship of certain state agencies and departments in relation to that activity. This study will include, but not be limited to, an examination of the following issues:

1. The structure of gaming commissions in other states, including membership, methods of appointment, terms of office, compensation, meeting schedules, and other related issues;

2. The powers and duties of such gaming commissions, including the extent of regulatory authority, the authority to make rules and regulations, and advisory functions;

3. Whether changes in Nebraska's method of regulating legalized gaming are warranted;

4. Whether a gaming commission in Nebraska would improve the effectiveness of regulation of legalized gaming, increase public trust in the integrity of legalized gaming, lower regulatory costs, or increase revenue; and

5. Any other matters necessary or appropriate for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Parimutuel wagering on horseracing at licensed racetracks has been conducted in the State of Nebraska since 1935. For many years, horseracing in Nebraska provided one of the few legalized gaming opportunities in the midwest. However, in recent years live horseracing has experienced a marked erosion in attendance and handle. Much of the decline is due to competition from other forms of gaming both within and outside of the state. There have been a number of attempts to stem the decline and assist horseracing, including reductions in state taxes and legalization of simulcasting, both interstate and intrastate. At the present time there is concern about whether licensed racetracks can continue to offer live horseracing in the State of Nebraska. This study shall include, but not be limited to, examination of the following:

1. Economic benefits of live horseracing in Nebraska;
2. The extent that other forms of gaming, both inside and outside the state, have had an impact on live horseracing in Nebraska;
3. Methods of generating revenue to increase purses at racetracks;
4. Whether expanded gaming opportunities at licensed racetracks would provide increased revenue for horseracing and attract additional fans to the sport;
5. Whether amendments to the Constitution of Nebraska are necessary or appropriate to allow licensed racetracks to develop additional revenue or to market horseracing;
6. Whether licensed racetracks conduct live horseracing on an appropriate schedule to facilitate live horseracing in the state in relation to factors of population, weather, and availability of horses; and
7. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 196. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: In 1993, the Nebraska Supreme Court ruled in Kwik Shop v. City of Lincoln that Laws 1989, LB 781, which provided for local control over the issuance or denial of retail liquor licenses, was unconstitutionally vague and therefore constituted an impermissible delegation of legislative authority. The Attorney General has issued an opinion that Laws 1993, LB 183, based on the same provisions as Laws 1989, LB 781, is unconstitutional, based upon the same reasoning as the Kwik Shop case. These rulings have generated concern about which laws are currently applicable to various aspects of licensing and regulation of retail liquor sales because there are a number of different laws which have been enacted at different times, some of which include provisions which have been declared unconstitutional and some which have not. Legislation has been introduced in each of the last two sessions to respond to this issue, LB 1085 in 1994 and LB 355 in 1995. LB 355 has been advanced to General File. However, there were a number of issues raised during the hearing and committee deliberations. This study shall include, but not be limited to, examination of the following:

1. Appropriate roles of the Nebraska Liquor Control Commission and local governing bodies in relation to regulation of retail liquor sales;
2. Appropriate procedures to conduct hearings and appeals concerning licensing, suspension, or revocation;
3. Authority of local governing bodies to suspend and revoke liquor licenses;
4. Standards for licensees, licensed premises, and control of retail liquor sales;
5. Local zoning authority relating to retail liquor sales;
6. Appropriate levels of license fees and occupation taxes;
7. Methods of preventing underage drinking; and
8. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Schmitt, 41; Dierks, 40.

PURPOSE: To examine the issues addressed by the introduction of LB 63 in the Ninety-fourth Legislature, First Session. The study shall seek to determine whether scope of practice restrictions or the definition of unprofessional conduct effectively prohibits the use of nontraditional alternatives to standard medical treatment of disease and injury by licensed medical professionals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: The various types of legalized gaming in the state having differing levels of prize payout which may have an effect on the amount wagered on each type of gaming. Some of the prize payouts are based upon statutory requirements for amounts to be paid into particular funds generated by that type of gaming activity. In addition, various types of gaming are limited to certain types of locations which may also have an impact on the amount of money wagered. This study shall include, but not be limited to, the following:

1. The effect that prize payout has on the amount of money wagered on various types of gaming, including an examination of payouts in other states and industry studies;
2. The amounts of money generated by types of gaming in the State of Nebraska for particular purposes and the benefits provided by these funds;
3. Whether particular types of gaming should be limited to specific locations and the appropriate locations for specific types of gaming; and
4. Any other matters necessary or appropriate for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by Pirsch, 10.

PURPOSE: To study possible responses to the recently released U.S. Justice Department report which indicated that more than one-third of felony defendants in state courts who were released prior to trial in 1992 were rearrested for a new offense or failed to appear in court. The study shall examine the effect of bail statutes and practices in Nebraska; shall evaluate how Nebraska compares to the estimated fourteen percent new offense recidivism rate found in the federal study; and shall examine any other issues deemed pertinent in evaluating how to improve public safety in the context of bail practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: During the 1995 legislative session, the Urban Affairs Committee considered two bills, LB 73 and LB 197, which raised significant issues about the current practices of cities and villages with regard to the sale and purchase of real and personal property and the requirements for competitive bidding on various purchases. The statutes governing these municipal functions are spread throughout the various chapters and in many instances have not been reviewed or amended for many years. The purpose of this study will be to identify the statutes which control the purchasing and bidding functions of the municipalities of all types and classes, to determine whether or not they are currently in need of revision to bring them into line with modern economic conditions and generally accepted business and accounting practices, and to recommend those changes which are warranted to enable municipalities to deal more efficiently and economically with their purchasing and bid-letting functions consistent with concerns for proper accountability and the protection and good management of public funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. The the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: One of the most important tools available for use by municipalities in their efforts to encourage new business development and expansion has been the Local Option Municipal Economic Development Act. During the course of the 1995 legislative session, the Urban Affairs Committee considered two bills which dealt with proposed amendments to the act, LB 207 and LB 436. LB 436 raised several significant issues with regard to the act which deserve further review and consideration. The purpose of this study will be to review the provisions of the Local Option Municipal Economic Development Act to determine what changes might be most appropriate to enable the act to better serve its purpose of permitting local municipalities to use local sources of revenue to encourage new business location in the community and to foster the expansion of existing businesses and industries. The study will focus most particularly on the economic development needs of Nebraska's larger cities as they relate to the act and the issues raised by LB 436.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Among the more important responsibilities of the Urban Affairs Committee is the review of the statutes governing the creation and operation of sanitary and improvement districts. These political subdivisions have played a key role in the financing and development of land for housing and industry around our state's cities and villages. During the course of the past few legislative sessions, many different issues regarding the sanitary and improvement district statutes have been raised by the introduction of legislation. Since the Urban Affairs Committee has not undertaken a major review of the statutes governing sanitary and improvement districts for several years, the purpose of this study will be a general overall review of the sanitary and improvement district statutes. It will involve efforts to seek for public comment the current status of sanitary and improvement districts and the problems they face, the investigation of current issues with regard to governance and management, and the determination of what changes to existing statutes would be appropriate to enable sanitary and improvement districts to operate more efficiently and economically consistent with proper accounting principles and prevailing economic conditions. This study will place a particular emphasis on the manner in which sanitary and improvement districts manage their financial affairs and their existing authority to levy property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: In keeping with the responsibility of the Urban Affairs Committee to monitor and review the regulation of natural gas service under the provisions of the Municipal Natural Gas Regulation Act, this study will undertake to deal with several aspects of the regulation process which have arisen under various proposals and legislative initiatives considered by the committee in the past few legislative sessions. In addition to a general review of the operation of the act, the study will focus on the following issues:

(1) The need for some form of public oversight of the setting of natural gas rates charged by a utility to rural customers residing outside of the boundaries of incorporated municipalities, including customers within the extraterritorial zoning jurisdiction of municipalities;

(2) The current statutes on the granting of municipal franchises to utilities for the provision of natural gas service, including the process and the terms upon which such franchises are granted, reviewed, and renewed. Consideration shall be given to the appropriateness of providing state funds, either by grant or loan, to assist municipalities in the study of applications for franchises prior to their grant or renewal, the granting of multiple franchises, and the possible incorporation of statutes providing franchise authority into the act; and

(3) The impact of current changes in the natural gas industry caused by federal regulatory changes, most particularly FERC Order 636, and the general reorganization of the industry as they affect the current regulatory process in Nebraska and the need for any statutory changes necessary to address current conditions.

The study will actively involve representatives of the natural gas industry, municipalities, and consumer and business advocate groups as well as interested members of the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: During the 1994 interim, the Urban Affairs Committee conducted a study of suburban development in Nebraska under the provisions of LR 341. That study resulted in the introduction of three bills by the Urban Affairs Committee in the 1995 regular session of the Legislature: LB 804, LB 805, and LB 806. These three bills dealt, in different ways, with the powers, duties, and authority of municipal boards of adjustment or boards of appeals. Because of the significance of the issues raised, the interest and concern expressed at the public hearing on the bills, and the fact that the statutes governing these bodies have not been reviewed and significantly amended for a number of years, this study is proposed to provide for a comprehensive review of the board of adjustment and board of appeals statutes and a determination of what changes would be necessary and appropriate to assist these bodies to better fulfill their important functions in the planning and zoning process. This study will place a particular emphasis on the impact of recent federal court and United States Supreme Court rulings on the planning and zoning authority granted to municipalities and how boards of adjustment and boards of appeals can address those constitutional concerns as they may relate to Nebraska law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Of the several standing committees, the Urban Affairs Committee has perhaps the broadest and most diverse subject matter jurisdiction. Bills will quite often arise from problems in specific cities or villages in a manner which does not lend itself to early identification or classification as would be the case within the jurisdiction of other committees. More often than not these issues arise outside of the period of the regular legislative session. Recognizing this fact, the Urban Affairs Committee has, in the past six years, undertaken during the interim period a general study aimed at identifying specific problems prior to the next legislative session to permit more careful review and drafting of proposed legislation before the next legislative session begins when time constraints may make such studied review impossible. The purpose of this study will be to continue the process begun by LR 95, Ninety-First Legislature, First Session, 1989, and provide a forum during the interim period for municipalities and citizens to present issues to the committee which could be the subject of future Urban Affairs Committee legislation and to solicit the reaction of interested parties to proposals presented to the committee. The subjects available for committee consideration shall extend to any matter relevant to the committees subject matter jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Schellpeper, 18; Wickersham, 49; Will, 8; and Hall, 7; Withem, 14.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee consisting of the members of the Revenue Committee; the Chairpersons of the Committees on Judiciary, Transportation, Government, Military and Veterans Affairs, Education, Urban Affairs, Health and Human Services, and Natural Resources; the Chairperson of the Executive Board of the Legislative Council; and the

Speaker of the Legislature be designated to coordinate the research undertaken pursuant to this project.

2. That the committee compile the research undertaken pursuant to this project into a report to be submitted to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Warner, 25; Bohlke, 33.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be faced is the ability of school districts to provide an adequate education under the constraints of a one dollar per one hundred dollars of valuation constitutional limit on property taxes for schools, changes in the state aid formula which would have to be made to accommodate such a limit, and the proper role and financing of educational service units and community colleges.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208. Introduced by Warner, 25; Wesely, 26.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed is the possibility of regional, cooperative, or state financed delivery of local human services as a method of helping to achieve the levy limits proposed by LR 93CA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Warner, 25; Lindsay, 9.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;

2. Reducing the use of property tax to finance public services; and

3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be faced is the possibility of state, regional, or cooperative funding of law enforcement, criminal prosecution and defense, and corrections as a method to help achieve the property tax levy constraints proposed by LR 93CA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by Warner, 25; Beutler, 28.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed is the continued viability of drainage districts and other water-related special purpose districts under the constraints proposed by LR 93CA and the ability of natural resources districts to provide services under the three cents per one hundred dollars of valuation levy limits proposed by LR 93CA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Warner, 25.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed are the proper distribution of the property tax levying authority under the constraints proposed by LR 93CA; the proper balance of revenue sources to pay for state and local public services; and the matching of revenue to services in a way that provides adequate, but not extravagant, public services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Warner, 25; Kristensen, 37.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and

3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be faced is the ability of cities and counties to adequately finance transportation-related functions including, but not limited to, the construction, reconstruction, and maintenance of streets and roads, bridges, and other transportation structures under the constraints on the property tax proposed by LR 93CA; and the possible need for need-based aid to address these needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Warner, 25; Hartnett, 45.

PURPOSE: In 1995 no issue is more important to the majority of Nebraskans than property tax relief. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals is LR 93CA which was introduced late in the session on a 38-to-0 vote. This constitutional revision proposal, which is pending before the Revenue Committee, would dramatically reduce the number of entities allowed to independently levy property taxes and place absolute dollar and cents limits on the actual tax levy. This proposal, while simple in form, raises a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed are the ability of cities, villages, and sanitary and improvement districts to provide needed public services under the fifty cents per one hundred dollars of valuation constraints proposed in LR 93CA; the potential of intercity or city-county cooperation as a method of achieving the constraints proposed by LR 93CA; city services which may be more appropriately financed by something other than property taxes; the need for need-based aid to help cities, villages, and sanitary and improvement districts meet the constraints on the use of the property tax proposed in LR 93CA; and the differing needs for infrastructure among cities, villages, and sanitary and improvement districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Pirsch, 10.

PURPOSE: The purpose of this study is to evaluate the impact on state budgets of using the Consumer Price Index to escalate welfare program costs. The study shall include, but not be limited to, an assessment of the data on the accuracy of the Consumer Price Index in reflecting increased costs for various populations and an evaluation of the federal poverty rate as it relates to the standard of need in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Pirsch, 10.

PURPOSE: To study limiting the first legislative session of each biennium to budget issues only. The study shall include, but not be limited to, an examination of the historical development of annual legislative sessions; the identification of statutory, constitutional, and legislative rule changes that may be necessary to achieve a legislative session which is strictly budgetary in purpose and subject matter; and an assessment of the potential of a "budget session" in order to expand information and understanding relating to taxing and spending issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 519. Mr. Brashear offered the following amendment to the Chambers pending amendment, AM2219, found in the Journal on page 2172 and considered in this day's Journal:

AM2292

(Amendments to AM2219)

1. Strike sections 1 to 3 and 6.

2. On page 3, line 6, strike "any state department, state agency, or" and insert "the state or by any"; in line 8 after "void" insert "unless executed by the Governor upon thirty days' notice to the public at large"; in line 10 strike "called"; in line 11 after the fourth comma insert "or" and strike the fifth comma; in line 12 after "percentage" insert "or portion"; and in line 13 strike "or" and insert a comma and after "obtained" insert ", or involved".

3. Renumber the remaining sections accordingly.

MR. HALL PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Brashear moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Brashear amendment was adopted with 30 ayes, 5 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, AM2219, as amended, was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA228
Reinstate subsections 1, 2, 3 of section 1 of AM2219

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 99 in the Journal. No objections. So ordered.

AM2194
(Amendments to Standing Committee amendments, AM1188)
1. On page 1, line 11, strike "The board of directors of any" and insert "Any".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 860A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 860, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 216. Introduced by Wesely, 26; Landis, 46.

PURPOSE: The purpose of this resolution is to study health care availability for uninsured children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a joint committee of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this resolution is to study the scope of contracting by state agencies and shall include a review of contracts currently in place, the effect on the budgeting process, and the appropriate role of the Legislature in the provision of committee oversight.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Elmer, 44; Beutler, 28; Bromm, 23; Schrock, 38; Wickersham, 49.

WHEREAS, the State of Kansas seeks to protect its annual allocation of water for beneficial consumptive use under the existing Republican River Compact; and

WHEREAS, the State of Nebraska desires that the waters of the Republican River be managed so as to provide all parties to the compact with their annual allocation of water for beneficial consumptive use; and

WHEREAS, the State of Nebraska has found the existing Republican River compact to be impossible to administer in a manner that is satisfactory to all parties to the compact.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska commissioner to the Republican River Compact, J. Michael Jess, in consultation with the natural resources districts whose boundaries lie within the Republican River basin, shall make appropriate resolutions at the June 8, 1995, Compact Commission meeting calling for negotiations to amend the Republican River Compact. Such amendments shall be designed to achieve the goal of establishing the administrative framework to allow regulation of water to provide all parties with the full amount of their annual allocations for beneficial consumptive use.

Laid over.

LEGISLATIVE RESOLUTION 219. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to undertake a review of the effect of the federal Employees Retirement Income Security Act (ERISA) restrictions on the health care delivery system in Nebraska. The study should also examine ways and strategies to provide health care coverage for as many Nebraskans as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the state government organization of health and human services, including services for children and families in Nebraska, and to identify ways to make the system more accountable and more efficient.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Wesely, 26.

PURPOSE: The purpose of this study resolution is to examine various issues relating to managed care. The study shall include, but not be limited to, an examination of the effect of managed care on health care quality monitoring, the implementation of medicaid managed care, the effect of managed care on clients and health care providers, an evaluation of the savings generated by managed care, and a determination of whether improved oversight of managed health care plans in Nebraska is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine various issues concerning long-term care in Nebraska. The study shall include, but not be limited to, the following:

(1) Whether there should be a registry of persons who have abused clients in long-term care programs and how it should be organized;

(2) Whether there should be uniformity in the training and regulation requirements for personal care aides, home health aides, and nursing assistants;

(3) Ways to improve the quality of long-term care;

(4) An examination of the costs of long-term care;

(5) Ways to promote community-based long-term care services; and

(6) Issues related to abuse and neglect, including physical, emotional, sexual, and financial abuse of persons in long-term care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Kristensen, 37; Brown, 6.

PURPOSE: The purpose of this interim study resolution is to provide for and direct a study of the regulation by the state of telecommunications companies, the railroad industry, and motor carriers. The study shall examine and review current state regulation of these industries, shall assess and consider the future role of such state regulation, and shall make recommendations regarding the appropriate form, structure, and scope of such regulation.

In carrying out the purposes of this resolution, the study shall review and assess the impact of:

1. The provision of LR 41CA, introduced during the 1995 legislative session and pending before the Legislature on General File;

2. The findings and recommendations of the Nebraska Transportation Industry Task Force established pursuant to Executive Order 95-3 by Governor Nelson on February 8, 1995;

3. Title 6 of the Federal Aviation Administration Authorization Act of 1994, which preempted state economic regulation of intrastate motor carriage, and the impending elimination of the Interstate Commerce Commission; and

4. The scope and effect of S. 652 and H.R. 155 legislation currently pending before the United States Congress which would supersede the Telecommunications Act of 1934.

In carrying out the purposes of this interim study resolution, the committee shall request and utilize the assistance of individuals and entities affected by the subject of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Kristensen, 37.

PURPOSE: In 1992 the Legislature with the passage of LB 291 joined thirty other states in the enactment of an administrative license revocation procedure for individuals arrested on suspicion of drunken driving. Since January 1, 1993, the administrative license revocation procedures have provided protection to the public by quickly removing from the road individuals who show a propensity to drive drunk and has additionally served as an effective deterrent to prevent drunken driving.

In 1994, the United States Supreme Court through the holding in Department of Revenue of Montana v. Kurth Ranch, raised questions at the national level regarding the applicability of the constitutional doctrine of double jeopardy as applied to a criminal prosecution for driving under the influence of alcohol following the initiation of the administrative license revocation process.

The Nebraska Supreme Court has recently decided to hear appeals of two cases involving the Nebraska administrative license revocation procedures and the applicability of the double jeopardy clause. The purpose of this study is to monitor the appeals of the cases State v. Young and State v. Russell, in the Nebraska Supreme Court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Bromm, 23; Lindsay, 9.

PURPOSE: The purpose of this study is to review when jury trials are allowed under state law and under city or village ordinances and to determine the possible fiscal impact of any changes in existing statutes providing for categories of offenses for which a jury trial is allowed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 283. Title read. Considered.

Standing Committee amendment, AM0486, found in the Journal on page 832, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM2280

1. On page 4, lines 15 and 16, strike the new matter; and in lines 17, 20, 22, 24, and 26 strike the new matter and reinstate the stricken matter.

2. On page 5, lines 4, 9, 10, and 13, strike the new matter and reinstate the stricken matter.

Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM2280, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM2280.

Mr. Beutler offered the following substitute amendment:
FA229

On line 15, page 4 add at the beginning of the sentence the words "Commonly accepted"

The Beutler amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:

FA230
P. 4, line 5 after "she" insert "knowingly and"

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
FA231
P. 2 lines 9 and 14
Strike "under color of" and insert "pursuant to"

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.

Standing Committee amendment, AM0941, found in the Journal on page 1112, was considered.

Mr. Kristensen renewed his pending amendment, AM1274, found in the Journal on page 1372, to the Standing Committee amendment.

MR. BERNARD-STEVENS PRESIDING

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?"

Mr. Pedersen moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Hall requested a roll call vote on the motion to cease debate.

Mr. Will requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Brashear
Bromm
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 15:

Abboud
Avery
Bernard-Stevens
Beutler
Chambers
Day
Hall
Hillman
Lindsay
Preister
Schimek
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Brown
McKenzie

Excused and not voting, 7:

Bohlke
Fisher
Hartnett
Landis
Lynch
Robak
Schellpeper

The motion to cease debate prevailed with 25 ayes, 15 nays, 2 present and not voting, and 7 excused and not voting.

Mrs. Pirsch requested a record vote on the Kristensen amendment.

Voting in the affirmative, 29:

Bernard-Stevens
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 8:

Abboud
Beutler
Chambers
Hall
Lindsay
Wesely
Wickersham
Will

Present and not voting, 5:

Avery
Day
Hillman
Preister
Withem

Excused and not voting, 7:

Bohlke
Fisher
Hartnett
Landis
Lynch
Robak
Schellpeper

The Kristensen amendment was adopted with 29 ayes, 8 nays, 5 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Engel and Pedersen asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2294

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) On October 1, 1995, six full-time employees shall be added to the State Foster Care Review Board for the purpose of ensuring that all children in foster care in the Omaha and North Platte areas receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) On October 1, 1995, six full-time employees shall be eliminated from the permanency plan review unit of the Department of Social Services and the department shall transfer all federal matching funds obtained from the six-month case reviews conducted by the state board in the Omaha and North Platte areas under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

Sec. 2. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3) The state board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the manner in which the state board carries out such duties. It is the intent of the Legislature that beginning October 1, 1995, the state board shall have the exclusive right and responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, in the Omaha and North Platte areas.

(4) It is also the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(5) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or Aid to Families with Dependent Children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(6) Between October 1, 1996, and January 1, 1997, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by the Program Performance Evaluation Committee. This review shall include a determination of the state board's timely performance in meeting federal guidelines; a cost analysis of their case reviews; an analysis as to the quality of reviews; and the effectiveness of such reviews on the children within the state foster care system.

(7) On or before January 1, 1997, the Program Performance Evaluation Committee shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section.

(8) On April 1, 1997, four full-time employees shall be added to the state board to ensure that all children in foster care in the remaining areas of the state receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(9) On April 1, 1997, the permanency plan review unit of

the Department of Social Services shall be eliminated and the department shall transfer all federal funds obtained under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, for such six-month case reviews of state wards to the state board.

Sec. 3. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2264

1. Insert the following new section:

"Sec. 10. Section 79-1512, Reissue Revised Statutes of Nebraska, is amended to read:

79-1512. At the time of retirement of any employee who serves a public school operating under any other regularly established retirement or pension system, the retirement board shall, upon receipt of a certification from the public school as to the number of years of service upon which the retirement is based, order the primary carrier to transfer to the funds of the retirement system of which such employee is a member the actuarial value of the service annuity to be paid by the state for the years of service thus certified in the same amount and basis as provided for members of the state retirement system under sections 79-1522 and 79-1524. Such employee, in order to qualify for prior service credit toward a service annuity, shall have the same qualifications as members of the School Retirement System of the State of Nebraska who became members on or before July 1, 1950, as provided by section 79-1515 but shall not come under the provisions of the School Employees Retirement Act while so employed. Such transfer of actuarial value to the retirement system of which such employee is a member shall be in lieu of the payment of the service annuity to which he or she would be entitled on the condition that the monthly payment received by him or her from such system shall be in the amount not less than the sum of his or her service annuity and the member's annuity which is the actuarial equivalent of his or her own contributions accumulated at interest to retirement. The public school which such employee serves shall furnish to the retirement board all information required by the retirement board regarding service records of its employees. No member shall receive a retirement benefit from the retirement system covering years for which he or she is being paid a benefit under sections 79-1032 to 79-1060.

~~In addition to the transfer of the actuarial value of the service annuity to be paid by the state, the state shall also transfer to the funds of any other regularly established retirement or pension system for public school employees an amount determined by multiplying the compensation of all members of the other~~

~~regularly established retirement or pension system for public school employees by the percent specified in section 79-1540 for determining the amount of the state's payment to the School Employers Deposit Account. The transfer shall be made annually on or before July 1 of each fiscal year.~~".

2. On page 13, strike beginning with "Any" in line 3 through the period in line 6 and show the old matter as stricken.

3. On page 19, strike lines 6 through 9 and show the old matter as stricken.

4. On page 23, line 16, strike "and 79-1056.06" and insert "79-1056.06, and 79-1512".

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2263

1. On page 11, line 17, strike "eighty-hundredths" and insert "sixty-five hundredths".

Mr. Beutler asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2265

1. Insert the following new section:

"Sec. 8. Section 79-1050, Reissue Revised Statutes of Nebraska, is amended to read:

79-1050. An annual audit of the affairs of the system shall be conducted. At the option of the governing board of the system, such audit may be conducted by a certified public accountant or the Auditor of Public Accounts. The costs of such audit shall be paid from funds of the system. A copy of such audit shall be filed with the Auditor of Public Accounts, the State Department of Education, and the Public Employees Retirement Board.".

2. On page 23, line 16, after "79-1046," insert "79-1050,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2299

(Amendments to E & R amendments, AM7123)

1. On page 19, line 3, after "that" insert "(i)"; and in line 6 after "payment" insert "and (ii) in lieu of an increased cash assistance payment, a voucher in an equivalent amount shall be

provided and may be used only to pay for particular goods and services specified by the department as suitable for the care of the child or children. The Department of Social Services shall submit a waiver request to the United States Department of Health and Human Services as necessary for federal authorization to implement the provisions of subdivision (b)(ii) of this subsection".

RESOLUTIONS

LEGISLATIVE RESOLUTION 226. Introduced by Avery, 3.

PURPOSE: The purpose of this resolution is to study the impact of the no-fault divorce law since its adoption in Nebraska. The study should place particular emphasis on the impact of the no-fault divorce law on the awarding of custody in a divorce decree and its impact on the family. The study should also evaluate the criteria utilized by the courts in decisions involving custody and the division of marital assets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Janssen, 15.

PURPOSE: To study the administration and collection of all fees and licenses associated with the Nebraska Litter Reduction and Recycling Act and the Waste Reduction and Recycling Incentive Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Lindsay, 9.

PURPOSE: The purpose of this resolution is to examine and identify methods of funding legal service providers with filing fee surcharges. The study shall include, but not be limited to, an examination of the following:

(1) Determining the need for legal services in making meaningful access to the courts and administrative law and bureaucratic procedures in this state available to persons of limited means;

(2) Proposing a funding method for meeting such needs in Nebraska which have not been met by Legal Service Corporation (LSC) grants and, in addition, those needs which will be unfunded if LSC grants are withdrawn;

(3) Proposing reasonable conditions on making such funds available to nonprofit providers of legal services to target populations in Nebraska; and

(4) Methods of using filing fee surcharges in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Bernard-Stevens, 42; Robinson, 16.

PURPOSE: With the dramatic increase in technology being offered in Nebraska's classrooms, specifically with the linkage of all Nebraska school districts to the Internet by the year 2000 proposed in Legislative Bill 860, Ninety-fourth Legislature, First Session, 1995, it is a concern that teachers may not be trained to utilize this technology in their curriculum. The purpose of this study would be to examine curriculum development of higher educational institutions in order to determine whether new teachers will be proficient in technological advances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by McKenzie, 34; Bernard-Stevens, 42.

PURPOSE: The purpose of this study resolution is to provide counsel and cohesion to the review, examination, and reporting procedures proposed in Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995. This study will be conducted by a select committee of the Legislature, both independently and in conjunction with the State Department of Education, the School Finance Review Committee, and the Special Education Accountability Commission.

LB 742 was introduced during the Ninety-fourth Legislature, First Session, 1995, to identify cost-containment strategies for special education aid growth. The State Department of Education was assigned to review existing rules and regulations relating to special education. A report to the Education Committee of the Legislature is due June 1, 1996, with recommendations for state laws, rules, and regulations that could be repealed, modified, or retained. LB 742 also assigned responsibility to the Special Education Accountability Commission, the School Finance Review Committee, the State Department of Education, and the Education Committee of the Legislature to provide a report, due June 1, 1996, in regard to the implementation of a block grant system to replace the existing excess cost reimbursement provisions for the funding of special education programs. The select committee shall coordinate the review process and study instructions outlined in LB 742.

Other issues addressed shall include: Cost sharing of damages; attorney fees; fines and expenses paid by or on behalf of a school district or board of education from litigation arising from a provision of the Special Education Act; and issues relating to relief of excessive budgetary pressure placed on a school district from unanticipated growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to evaluate the impacts of the centralization of state government offices on different geographic regions within the state and to develop recommendations for alternatives to centralization. The study shall include, but not be limited to:

1. A review of centralization patterns and impacts within the state;
2. A review of historic and present decisionmaking processes that have shaped the centralization of state government operations;
3. An examination of how telecommunications technology and virtual networks can be utilized within state government to decrease centralization;
4. An examination of how to provide access to services; and
5. An evaluation of the centralization of federal government operations which impact Nebraska and an assessment of the impacts of federal centralization within the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature, the director of the Legislative Research Division, and the Legislative Fiscal Analyst shall be designated to collaborate with the Rural Development Commission to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Pirsch, 10.

PURPOSE: The purpose of this study is to examine the feasibility of establishing a noncommercial truck and trailer license classification at the same or similar weights and fees as farm truck licenses. The study shall include, but not be limited to, a review of the current statutory provisions that would be affected by such a change and a survey of the possible use of such license classification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Crosby, 29.

PURPOSE: To analyze the State Government Effectiveness Act (sections 81-2701 to 81-2710, Revised Statutes of Nebraska). The study shall include, but not be limited to:

(1) A general overview of the procedures required in the act;

(2) A specific review of the protections from retaliation afforded to employees;

(3) The effectiveness, fairness, and sufficiency of the limitations on demotion and firing contained within the act and as a result of LB 856 (1995), and whether such limitations will result in fewer employee complaints; and

(4) The likelihood of retaliation after two years, and whether a period longer than two years may be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Wesely, 26.

PURPOSE: To examine the formulas or procedures utilized by the Department of Roads for allocating funds and prioritizing projects under the Highway Allocation Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Wesely, 26.

PURPOSE: Nebraska's efforts to attract economic development and to provide for the general well-being of the state's citizens depend on the availability of affordable housing. Current economic conditions and declining support from all levels of government, especially in smaller rural communities, are adversely affecting the ability of Nebraska's citizens to obtain safe, decent, and affordable housing. The creation of the Affordable Housing Trust Fund is a possible solution.

An Affordable Housing Trust Fund study would examine:

1. Housing needs across the state, including the need for new construction of both medium and low-income housing, the increased

availability of rental units, and the rehabilitation of deteriorating homes;

2. Whether current housing programs address identified needs; and

3. The revenue sources devoted to housing development by other states and the feasibility of applying those sources to Nebraska's revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to determine if law enforcement can effectively protect the public from firearm crimes. The study should examine whether local police forces and county sheriff's offices can enforce their statutory duty to deny handgun certificates to those people found to be adjudicated mentally ill. The study should also examine the threat posed by the possession of firearms on public grounds. Additionally, the study shall address, but not be limited to:

1. The number of handgun certificates denied to people found to be adjudicated mentally ill each year by county and city law enforcement;

2. What methods each law enforcement agency uses to determine who is ineligible for handgun certificates due to a disqualifying mental illness;

3. Whether a central database accessible to the Nebraska State Patrol would help county and local law enforcement in this effort;

4. The number of firearm crimes committed on land or in buildings owned by the State of Nebraska and other governmental subdivisions; and

5. The frequency of these crimes in other states and those states' response, including legislation considered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Wesely, 26.

PURPOSE: This study proposes to examine incarceration of violent criminals and the means available to law enforcement for the prevention of subsequent violent crimes upon release from incarceration. The study shall investigate, but not be limited to, these topics:

1. The average length of sentence and actual incarceration time of persons convicted of committing violent crimes, such as murder, sexual assault, assault, and robbery;
2. The recidivism rate of violent offenders, the resulting sentences, and the actual length of incarceration;
3. Potential options to be pursued by government and law enforcement to keep violent criminals in jail or secure settings, such as the enactment of sexually violent predator laws, the enactment of sex offender and violent criminal registration acts, the imposition of mandatory minimum sentences for violent offenders, the effect of overcrowding on the early release of violent criminals, and the effect of prosecutorial discretion and the plea bargaining process; and
4. The options for rehabilitation of violent criminals attempted in other states including provisions for citizen protection in rehabilitation efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Wesely, 26; Wickersham, 49; Hall, 7.

PURPOSE: States have adopted leading roles in attracting new jobs. These efforts have created competition between the states to attract companies by offering increasingly exorbitant economic incentives, mostly in the form of tax abatement. Tax abatements strain state budgets by eroding the tax base and forcing states to make long-term commitments to businesses that are frequently at the expense of other state needs. Therefore, efforts at economic development which do not rely on tax abatements could greatly enhance Nebraska's economic competitiveness without reducing state revenue.

This study proposes an examination of the effectiveness of the economic development efforts of other states that emphasize education, worker training, the enhancement of university research and application, infrastructure improvements, and the development of state-led foreign trade opportunities.

In addition, this study should examine cost-benefit models to measure the net return to the state of tax incentive programs should be researched. This portion of the study should include a thorough examination of the following: The methodologies that should be used or considered and their application; the economic measures and factors that should be used in developing the model; the role of the business community, the academic community, and the public sector in creating the model; the branch or agency of government which controls the model; and whether the model's use is advisory or restrictive in the state's decisionmaking process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239. Introduced by Dierks, 40.

PURPOSE: That the workload and areas of jurisdiction for the Agriculture Committee of the Legislature be studied, with the possibility of expanding its jurisdiction to include such areas as ethanol fuels, renewable energy, economic development, and irrigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the impact of legislation passed in 1994 by the Legislature to change homestead exemption provisions. The 1994 changes should be reviewed in light of the recent efforts at statewide property revaluation. Specifically this study should determine the number of elderly who lost or had their homestead exemption reduced, the average increases in home values and tax levies, and the average change in property taxes paid by senior citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Hartnett, 45; Crosby, 29.

PURPOSE: To study the impact of equal access to pharmaceutical manufacturers discounts on the operations and costs of the Medicaid program in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Withem, 14.

PURPOSE: To study the overall standing committee system of the Legislature. There has been no significant study of the structure of the standing committee system since 1985. Issues confronting the Legislature have become more multi-dimensional which raises some questions as to the appropriate committee to which the proposal should be referred for public hearing. There appears to be disparity, if not inequity, in the current workloads of the various standing committees. The Nebraska Retirement Systems Committee is a standing committee, but unlike other standing committees, has no permanently assigned meeting time. The commitment of resources to standing committees especially in the area of human resources has not been examined for a long time. The Executive Board of the Legislative Council has served as the Reference Committee since 1971 and is also responsible for supervising all services and service personnel as may be needed to carry out the activities of the Legislature. Taking the above into consideration, a comprehensive study of the standing committee system should include, but not be limited to, assigned meeting times, referencing, human resources committed to the work of the committees, and the operating structure of committees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature prior to the start of the 1996 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Preister, 5.

PURPOSE: The purpose of this resolution is to review the current statutes, rules, and regulations regarding the liability provisions and funds established for remediation and long-term care of low-level radioactive waste.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Preister, 5.

PURPOSE: To examine the laws governing radiation control activities in Nebraska. This study shall include, but not be limited to the following:

1. An examination of the current laws governing radiation control and related activities, including the Radiation Control Act;
2. A review of model legislation regarding radiation control activities; and

3. A review of the current structure of radiation control activities and their functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 750. Mr. Hall offered the following amendment to the pending Standing Committee amendment:
FA232

Amend AM0941

on P. 5, Sec. 16, line 19 strike "forty" and insert "ten" and on P. 6, line 1, strike "forty" and insert "ten"

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Brown
Chambers
Coordsen
Hall
Lindsay
McKenzie
Pirsch
Will
Witek

Voting in the negative, 21:

Avery
Beutler
Bromm
Crosby
Cudaback
Dierks
Elmer
Janssen
Jones
Matzke
Preister
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 9:

Abboud

Bernard-Stevens
Day
Hillman
Hudkins
Jensen
Kristensen
Maurstad
Robinson

Excused and not voting, 10:

Bohlke
Brashear
Engel
Fisher
Hartnett
Landis
Lynch
Pedersen
Robak
Schellpeper

The Hall amendment lost with 9 ayes, 21 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud offered the following amendment to the Standing Committee amendment:
AM2307
(Amendments to Standing Committee amendments, AM0941)
1. Reinstate sections 17 and 18.
2. On page 6, line 14, strike "forty" and insert "twenty".

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen requested a ruling of the Chair on whether the Abboud amendment is germane to the Standing Committee amendment.

The Chair ruled the Abboud amendment is not germane to the Standing Committee amendment.

Mr. Hall challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hall requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 5:

Abboud
Chambers
Hall
Lindsay
Will

Voting in the negative, 19:

Bernard-Stevens
Beutler
Bromm
Crosby
Elmer
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 14:

Avery
Brashear
Brown
Cudaback
Day
Dierks
Hillman
Pirsch
Preister
Robinson
Schmitt
Schrock
Wesely
Withem

Excused and not voting, 11:

Bohlke
Coordsen
Engel
Fisher
Hartnett
Landis
Lynch
McKenzie
Pedersen
Robak
Schellpeper

The Hall motion to overrule the Chair lost with 5 ayes, 19 nays, 14 present and not voting, and 11 excused and not voting.

The Chair was sustained.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA233
Amend AM0941 as follows:
Strike subsections (2) & (3) of Sec 15

Mr. Hall moved to bracket LB 750 until June 9, 1995.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Hall requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 24:

Bernard-Stevens
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pirsch
Robinson
Schmitt
Schrock
Vrtiska
Warner
Will
Witek

Voting in the negative, 10:

Abboud
Dierks
Lindsay
Lynch
Preister
Schimek
Stuhr
Wesely
Wickersham
Withem

Present and not voting, 4:

Avery	Beutler	Chambers	Wehrbein

Excused and not voting, 11:

Bohlke	Fisher	Landis	McKenzie	Robak
Coordsen	Hartnett	Maurstad	Pedersen	Schellpeper
Engel				

The Hall motion to bracket lost with 24 ayes, 10 nays, 4 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2247

(Amendments to Standing Committee amendments, AM2061)

1. Insert the following new sections:

"Sec. 6. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1)(a) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of ~~the offense of~~ unlawful possession of a firearm on school grounds. For purposes of this section, school shall mean any public or private elementary, vocational, or secondary school, community college, a public or private college, junior college, or university. Unlawful possession of a firearm on school grounds is a Class ~~IV~~ I misdemeanor.

(b) Unlawful possession of a firearm on school grounds is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of unlawful possession of a firearm on school grounds shall be consecutive to any other sentence imposed.

(c) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event while in violation of section 28-1203, 28-1204.01, 28-1205, 28-1212.02, or 28-1212.03 is guilty of reckless possession of a firearm on school grounds. Reckless possession of a firearm on school grounds is a Class IV felony.

(d) Reckless possession of a firearm on school grounds is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of reckless possession of a firearm on school grounds shall be consecutive to any other sentence imposed.

(e) This subsection shall not apply to ~~(a)~~ (i) the issuance of ~~firearms~~ a firearm to or possession by ~~members~~ a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or a peace ~~officers~~ officer or other duly authorized law enforcement ~~officers when~~ officer while on duty or training, ~~(b)firearms~~ (ii) a firearm which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, (iii) a firearm lawfully possessed by a person in accordance with a contract entered into between the person and the school, and the person's employer, if applicable, (iv) the lawful possession of an unloaded firearm by a person while traversing school grounds in order to gain access to public or private lands open to hunting, if the entry on school grounds is authorized by school authorities, or ~~(c) firearms~~ (v) a firearm contained within a private vehicle operated by a nonstudent adult which ~~are~~ is not loaded and ~~(i) are~~ (A) is encased or ~~(ii) are~~ (B) is in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation,

and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 34. Sections 34 to 40 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 35. (1) Any person who knowingly possesses a firearm in a gun-free school zone is guilty of endangerment of youth in a gun-free school zone. For purposes of the Gun-Free School Zone Act, gun-free school zone shall mean the area within one thousand feet from the real property comprising a public or private elementary, vocational, or secondary school.

(2) Endangerment of youth in a gun-free school zone is a Class I misdemeanor.

Sec. 36. Section 35 of this act shall not apply to (1) a firearm lawfully possessed in a private home or private business or on private property which is not a part of the grounds of a school, (2) a firearm in a legally established gun dealership located in the gun-free school zone, (3) the issuance of a firearm to or the possession of a firearm by a member of the armed forces of the United States, active or reserve, the National Guard of this state, the Reserve Officers Training Corps, or any peace officer or other duly authorized law enforcement officer when on duty or training, (4) the possession and use of a firearm by a person lawfully hunting or target shooting, (5) the possession and use of a firearm on land managed by the Board of Educational Lands and Funds, (6) a firearm on display or being brought or donated for display in a recognized museum, (7) a firearm lawfully possessed by a person for use in a program approved by the school in the gun-free school zone and under the immediate supervision of an adult instructor, (8) a firearm lawfully possessed by a person who is a resident in the gun-free school zone while the person is transporting the firearm from a private motor vehicle to his or her residence, (9) a firearm lawfully possessed by a person in accordance with a contract entered into between the person and the school in the gun-free school zone, and the person's employer, if applicable, (10) the lawful possession of an unloaded firearm by a person while traversing the gun-free school zone in order to gain access to public or private lands open to hunting, if the entry into the gun-free school zone is authorized by school authorities of the school or schools in the gun-free school zone, or (11) a firearm lawfully contained within a private motor vehicle which is not loaded and which is (a) encased or is (b) in a locked firearm rack that is attached to the motor vehicle. For purposes of this section, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

Sec. 37. The gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected. State or local authorities shall maintain such signs.

Sec. 38. (1) Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated without warrant by a peace officer.

(2) Any firearm confiscated by a peace officer pursuant to subsection (1) of this section is a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold the firearm for as long as the firearm is needed for evidence. After the firearm is no longer needed as evidence it shall be disposed of as directed by the county court.

(3) Whenever a firearm is confiscated and held pursuant to this section, the peace officer who confiscated the firearm shall file within ten days after the confiscation a petition for the destruction of the firearm. The petition shall be filed in the county court of the county in which the confiscation occurred. The petition shall describe the firearm, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction as directed by the county court. At any time after the confiscation of the firearm and prior to court-ordered disposition, the owner of the firearm may petition the county court of Lancaster County for possession of the firearm. The county court shall release the firearm to the owner only if the claim of ownership can reasonably be shown to be true and (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge

and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of endangerment of youth in a gun-free school zone.

(4) No confiscated firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a confiscated firearm has significant antique value or historical significance, it shall be turned over to the Nebraska State Historical Society.

Sec. 39. Endangerment of youth in a gun-free school zone is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of endangerment of youth in a gun-free school zone shall be consecutive to any other sentence imposed.

Sec. 40. (1) A person in violation of section 28-1203, 28-1204.01, 28-1205, 28-1212.02, or 28-1212.03 in a gun-free school zone is guilty of reckless endangerment of youth in a gun-free school zone.

(2) Reckless endangerment of youth in a gun-free school zone is a Class IV felony.

Sec. 41. Reckless endangerment of youth in a gun-free school zone is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of reckless endangerment of youth in a gun-free school zone shall be consecutive to any other sentence imposed.".

2. Insert the following new amendment:

"2. On page 3, line 4, strike '29' and insert '41'.".

3. On page 8, line 10, before the period insert "; and in line 20 after the third comma insert '28-1204.04,' ".

4. Renumber the remaining amendments accordingly.

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2293

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) On October 1, 1995, six full-time employees shall be added to the State Foster Care Review Board for the purpose of ensuring that all children in foster care in the Omaha and North Platte areas receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) On October 1, 1995, six full-time employees shall be eliminated from the permanency plan review unit of the Department of Social Services and the department shall transfer all federal matching funds obtained from the six-month case reviews conducted

by the state board in the Omaha and North Platte areas under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

Sec. 2. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3) The state board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the manner in which the state board carries out such duties. It is the intent of the Legislature that beginning October 1, 1995, the state board shall have the exclusive right and responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, in the Omaha and North Platte areas.

(4) It is also the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law

96-272.

(5) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or Aid to Families with Dependent Children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(6) Between October 1, 1996, and January 1, 1997, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by the Program Performance Evaluation Committee. This review shall include a determination of the state board's timely performance in meeting federal guidelines; a cost analysis of their case reviews; an analysis as to the quality of reviews; and the effectiveness of such reviews on the children within the state foster care system.

(7) On or before January 1, 1997, the Program Performance Evaluation Committee shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section.

Sec. 3. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

Messrs. Lindsay and Hall asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

(Amendment, AM2303, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 245. Introduced by Beutler, 28; Preister, 5.

PURPOSE: To study the electric utility industry in Nebraska, including, but not limited to:

(1) A review of the statutory authority and regulatory structure of the industry to determine how best to meet current and future state energy needs, including study of the management of energy supply and demand;

(2) Issues related to competition and restructuring in the industry, including:

(a) Possible effects in Nebraska of federal actions such as (i) the Federal Energy Regulatory Commission notice of proposed rulemaking titled "Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public and Transmitting Utilities", (Docket Nos. RM 95-8-000 and RM 94-7-001), and (ii) the proposed sale of the Western Area Power Administration and its impact on Nebraska ratepayers and on the state's electric utilities; and

(b) Regulatory jurisdictional issues addressed by utility boards of directors, the Nebraska Power Review Board and other state-level regulatory entities, federal power marketing administrations such as the Western Area Power Administration, regional transmission groups, and the Federal Energy Regulatory Commission; and

(3) Issues related to long-term power generation planning and development of renewable energy, including:

(a) Current and future costs for both renewable and nonrenewable energy sources, including fuel diversity considerations and cost considerations in an atmosphere of competition and least-cost planning;

(b) Current and future research, development, and deployment efforts of the electric utility industry in Nebraska relating to renewable energy sources; and

(c) Incentives for research, development, and deployment of renewable energy sources provided by federal legislation and regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Beutler, 28.

PURPOSE: To explore the issue of the integrated management of ground water and surface water in the state, including the legal, institutional, regulatory, and socioeconomic effects of such a system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Beutler, 28.

PURPOSE: To study the issue of water contamination in the State of Nebraska. This study shall include, but not be limited to, an examination of the following: Water quality and quantity; sources of pollution; testing requirements for drinking water and the costs of such testing; timing of application of fertilizers and pesticides; contaminant level standards for fertilizers and pesticides; agricultural chemical containment; coordination between Nebraska governmental entities of regulatory activities relating to contamination; funding of measures to prevent and clean up contamination; and sustained funding to the University of Nebraska to update and maintain a dynamic soil nutrient data base to be utilized in making fertilizer use recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248. Introduced by Beutler, 28.

PURPOSE: To study the operating structure and legal authority of the Game and Parks Commission, including, but not limited to, an examination of the commission's authority with regard to the acceptance and disposition of property, the structure of in lieu of tax payments to counties, and the criminal penalties under the jurisdiction of the commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 249. Introduced by Beutler, 28.

PURPOSE: To review Nebraska governmental entities overseeing natural resources such as the Department of Environmental Quality, the Nebraska Natural Resources Commission, the Department of Water

Resources, the Department of Health, the Game and Parks Commission, and the natural resources districts to determine whether the organizational structure of those entities could be strengthened or combined in order to improve the regulation of natural resources in the state. The review will include identification of similar agencies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 250. Introduced by Beutler, 28.

PURPOSE: To study issues relating to low-level radioactive waste, including, but not limited to liability and ownership of real estate on which waste facilities are located.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251. Introduced by Beutler, 28.

PURPOSE: To study issues related to environmental risk, regulation, enforcement, and compliance, including, but not limited to, an examination of the use of risk assessments and environmental audits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 252. Introduced by Beutler, 28.

PURPOSE: To study the Nebraska Litter Reduction and Recycling Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 253. Introduced by Bromm, 23; Wickersham, 49; Jones, 43.

PURPOSE: The purpose of this resolution is to examine the tax impact on various constituencies and the impact on the cost of education by the continued ownership of school lands by the State of Nebraska. The review shall include, but not be limited to: (1) Possible tax inequities resulting from the location of school lands; and (2) whether or not the continued ownership of the school lands is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 254. Introduced by Cudaback, 36; Robinson, 16.

PURPOSE: The purpose of this study is to examine the physical state and accessibility of Nebraska's abandoned, pioneer, and Native American burial grounds and cemeteries.

The study shall include the following subjects:

(1) An examination of the current statewide status of the grounds and cemeteries to ensure proper maintenance is being performed when applicable.

(2) An examination of the current state of accessibility to the grounds for the purpose of maintenance, religious observance, and historical study, with the intent of protecting the individual citizens' right to perform such functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 255. Introduced by Preister, 5.

PURPOSE: To review the Emergency Planning and Community Right-to-Know program in the State of Nebraska. In particular, to examine the emergency response planning, preparedness, training, and funding mechanism and needs in order to carry out the purposes and goals of the Superfund Amendments and Reauthorization Act of 1986, Title III, P.L. 99-499, 100 Stat. 1613 (SARA). The review will also include an assessment of the current Local Emergency Planning Committee (LEPC) program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LB 645. No objections. So ordered.

VISITORS

Visitors to the Chamber were 33 sixth grade students, teachers, and sponsors from St. Isidore School, Columbus; Senator Schrock's daughter-in-law and her mother, Melanie Schrock and Jan Jordan, from Holdrege; 75 fourth grade students and sponsors from Jefferson School, Fairbury; and Senator Engel's son, daughter-in-law, and grandson, Michael, Delores, and Christopher Engel, from Albuquerque, New Mexico.

The Chair introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Jeff Johnson from Lincoln.

ADJOURNMENT

At 7:12 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 8:30 a.m., Thursday, May 18, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FIRST DAY - MAY 18, 1995

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY - MAY 18, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 18, 1995

Pursuant to adjournment, the Legislature met at 8:33 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Father Paul Schwaab, St. John's Vianney, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fisher and Landis who were excused; and Messrs. Abboud, Avery, Brashear, Bromm, Chambers, Hall, Hartnett, Kristensen, Lindsay, Pedersen, Schellpeper, Warner, Wehrbein, Will, Mmes. Bohlke, Crosby, McKenzie, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Withem asked unanimous consent to print the following amendment to LB 265 in the Journal. No objections. So ordered.

AM2185

(Amendments to Final Reading copy)

1. On page 3, line 12, strike "and"; and in line 13 after "large" insert "; and

(11) One Public Service Commissioner representing the Public Service Commission".

GENERAL FILE

LEGISLATIVE BILL 584. The pending Standing Committee amendment, AM1189, printed separately from the Journal, referred to on page 1447, and considered on page 2130, was renewed.

Mr. Schrock requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA234

1. Strike the original sections and insert the following new sections:

"Section 1. Section 37-104, Reissue Revised Statutes of Nebraska, is amended to read:

37-104. For the purpose of establishing and administering a mandatory firearm hunter ~~safety training~~ education program for persons born on or after January 1, 1977, ~~under the age of sixteen years~~ who hunt, take, or attempt to take by firearm any species of game, game birds, or game animals, the Game and Parks Commission shall ~~is hereby directed to~~ provide a program of firearm hunter ~~safety~~ education training leading to obtaining a certificate of ~~competency~~ successful completion in the safe handling of firearms and to locate and train volunteer ~~nonpaid~~ firearm hunter ~~safety training~~ education instructors. The program shall provide a training course having a minimum of ~~six~~ ten hours of instruction in the areas of safe firearms use, shooting and sighting techniques, hunter ethics, game identification, and conservation management. The commission shall ~~is further directed to~~ issue a firearm hunter ~~safety~~ education certificate of ~~competency~~ successful completion to persons having satisfactorily completed a firearm hunter ~~safety training~~ education course accredited by the commission ~~Game and Parks Commission~~ and to print, purchase, or otherwise acquire materials as necessary for effective program operation.

~~Commencing January 1, 1976, it~~ It shall be unlawful for any person born on or after January 1, 1977, ~~persons under the age of sixteen years~~ to hunt, take, or attempt to take by firearm any species of game, game birds, or game animals except:

(1) ~~Residents of the State of Nebraska~~ A person under the age of twelve years who ~~are~~ is accompanied by a person nineteen years of age or older having a valid hunting permit; and

(2) ~~Residents of the State of Nebraska twelve years through fifteen years of age inclusive who have on their~~ A person born on or after January 1, 1977, who has on his or her person a hunter ~~safety~~ education certificate of ~~competency;~~ successful completion issued by the person's state or province of residence or a firearm hunter education certificate issued by an accredited program recognized by the commission.

~~(3) Nonresidents who are accompanied by a person nineteen~~

~~years of age or older having a valid hunting permit; and~~

~~(4) A nonresident who has on or about his person a valid hunter safety certificate issued by his state of residence or a hunter safety certificate issued by any recognized and accredited program as published by the commission.~~

Sec. 2. Section 37-105, Reissue Revised Statutes of Nebraska, is amended to read:

37-105. (1) The ~~commission~~ Game and Parks Commission shall establish and administer a bow hunter education program consisting of a minimum of ~~six~~ ten hours of instruction in the safe ~~and ethical handling~~ use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, and hunter ethics. When establishing such a program, the commission shall train volunteers as ~~nonpaid~~ bow hunter education training instructors. The commission shall issue a certificate of ~~competency~~ successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) ~~On and after January 1, 1993, a~~ A person born on or after January 1, 1977, who is hunting antelope, deer, elk, or wild turkey with a bow and arrow ~~may be issued a permit for bow and arrow hunting~~ pursuant to section 37-215, 37-215.02, or 37-227 ~~only if such person has completed the bow hunter education program and received the certificate of competency. Such permit may be issued to a nonresident applicant who possesses a valid certificate of competency or its equivalent issued by any state which has a program recognized and accredited by the commission~~ shall have on his or her person a bow hunter education certificate of successful completion issued by his or her state or province of residence or a bow hunter education certificate issued by an accredited program recognized by the commission.

Sec. 20. Sections 1, 2, and 21 of this act become operative on January 1, 1996. The other sections of this act become operative on their effective date.

Sec. 21. Original sections 37-104 and 37-105, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 22. Original sections 37-201, 37-213, 37-215.03, 37-215.08, 37-1501, 81-805, 81-815.60, and 81-2801, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994, are repealed.

Mrs. Hudkins requested a ruling of the Chair on whether the first Standing Committee amendment is germane to the bill.

The Chair ruled the first Standing Committee amendment is germane to the bill.

Mrs. Hudkins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on the Hudkins motion to overrule the Chair.

Voting in the affirmative, 7:

Dierks
Hudkins
Jensen
Pedersen
Schrock
Stuhr
Witek

Voting in the negative, 24:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Coordsen
Cudaback
Day
Elmer
Hillman
Janssen
Kristensen
Lynch
Maurstad
Pirsch
Preister
Robak
Robinson
Schimek
Schmitt
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 6:

Avery
Engel
Jones
Matzke
Vrtiska
Withem

Excused and not voting, 12:

Abboud
Brashear
Bromm
Crosby
Fisher
Hall
Hartnett
Landis
Lindsay
McKenzie
Schellpeper
Will

The Hudkins motion to overrule the Chair lost with 7 ayes, 24 nays, 6 present and not voting, and 12 excused and not voting.

The Chair was sustained.

Pending.

SELECT FILE

LEGISLATIVE BILL 392. Mrs. Witek renewed her pending amendment, AM2090, found in the Journal on page 2151.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 3:

Jensen
Pirsch
Witek

Voting in the negative, 28:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Hall
Hillman
Janssen
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Preister
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 9:

Avery
Bromm
Coordsen
Cudaback
Hudkins
Jones
Robak
Robinson
Vrtiska

Excused and not voting, 9:

Abboud
Dierks
Fisher
Hartnett
Landis
Lindsay
McKenzie
Schellpeper
Will

The Witek amendment lost with 3 ayes, 28 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Witek renewed her pending amendment, AM2163, found in the Journal on page 2152.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Mmes. Hudkins and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Withem moved to invoke cloture on LB 392.

Mr. Withem requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 30:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hudkins
Janssen
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 8:

Abboud
Avery
Chambers
Coordsen
Jensen
Pirsch
Preister
Witek

Present and not voting, 3:

Hall
Hillman
Jones

Excused and not voting, 8:

Fisher
Hartnett
Landis
Lindsay
McKenzie
Robak
Schellpeper
Will

The Withem motion for cloture lost with 30 ayes, 8 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 394 in the Journal. No objections. So ordered.

AM2287

(Amendments to Standing Committee amendments, AM1757)

1. Insert the following new sections:

"Sec. 6. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	683,182	684,355
PROGRAM TOTAL	683,182	684,355
SALARY LIMIT	617,106	617,106

Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	562,762	563,766
PROGRAM TOTAL	562,762	563,766
SALARY LIMIT	502,500	502,500

Sec. 8. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,986,592	4,995,800
PROGRAM TOTAL	4,986,592	4,995,800
SALARY LIMIT	4,485,003	4,485,003

Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,820,900	4,830,442
PROGRAM TOTAL	4,820,900	4,830,442
SALARY LIMIT	4,271,239	4,271,239".

2. On page 1, line 1, strike "section 9" and insert "sections 6 to 11"; in lines 6 and 7 strike "610,536 633,097" and insert "589,247 589,247"; and in line 8 strike "545,522 564,615" and insert "524,540 524,540".

3. Renumber the remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 584 in the Journal. No objections. So ordered.

AM2317

(Amendments to Standing Committee amendments, AM1189)

1. On page 12, line 19, strike "one hundred sixty" and insert "eighty".

2. On page 22, line 2, strike "railroad"; in line 3 strike "over" and insert "across" and after "right-of-way" insert "acquired"; in line 5 after "acquisition" insert "unless otherwise agreed between the commission and interested parties"; strike beginning with "All" in line 16 through the period in line 18; in line 18 strike "same" and insert "sole"; strike beginning with "as" in line 19 through "34-117" in line 20 and insert "for the construction of new fences appropriate for the use of adjoining lands on the date of acquisition or for the repair of existing fences. After the commission completes such construction or repair of fences, adjoining landowners shall have the sole responsibility for fence maintenance and repair".

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 241. Advanced to E & R for engrossment.

LEGISLATIVE BILL 325. E & R amendment, AM7152, found in the Journal on page 2059, was adopted.

Mr. Warner offered the following amendment:
AM2269

1. Insert the following new section:

"Sec. 3. The state agencies, boards, and commissions shall make the accounting division assessment payments to the Accounting Division Revolving Fund pursuant to sections 1 and 2 of this act to the Department of Administrative Services no later than August 1 of each year, or in four equal payments to be made no later than August 1, October 1, February 1, and April 1 of each year, at the discretion of the Accounting Administrator of the Department of Administrative Services.

Sec. 5. This act becomes operative on July 1, 1995.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 18, strike "and 2" and insert "to 3".

3. Renumber the remaining section accordingly.

The Warner amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 750. Mr. Bernard-Stevens moved to bracket until June 8, 1995.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Ms. Schimek requested a roll call vote on the Bernard-Stevens motion to bracket.

Voting in the affirmative, 25:

Bernard-Stevens
Brashear
Brown
Coordsen
Crosby
Cudaback
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen

Matzke
Maurstad
Pedersen
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Witek
Withem

Voting in the negative, 9:

Abboud
Bohlke
Dierks
Lindsay
Lynch
Pirsch
Preister
Schimek
Wickersham

Present and not voting, 8:

Avery
Beutler
Bromm
Chambers
Day
Engel
Wehrbein
Wesely

Excused and not voting, 7:

Fisher
Hartnett
Landis
McKenzie
Robak
Schellpeper
Will

The Bernard-Stevens motion to bracket prevailed with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Engel's birthday.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 642. Mrs. Hillman, Mses. Day, Schimek, and Mr. Wesely moved to bracket until January 3, 1996.

SPEAKER WITHEM PRESIDING

Messrs. Beutler, Elmer, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Stuhr moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 8 nays, and 20 not voting.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Trust Board
Bradley J. Hansen
Vincent J. Kramper
Curt G. Werner

VOTE: Aye: Senators Avery, Beutler, Bromm, Elmer, Jones, and Preister. Absent: Senators Bohlke and McKenzie.

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Quality Council
Nancy Andrews
Janet Bernard-Stevens
Conrad Boehler
Jack Dixon
Paul Fuhrer
Dennis Heermann
Fred Hlava
Richard Sommer

VOTE: Aye: Senators Avery, Beutler, Bromm, Elmer, Jones, and Preister. Absent: Senators Bohlke and McKenzie.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2270

(Amendments to E & R amendments, AM7123)

1. Insert the following new section:

"Sec. 19. (1) The Legislature finds that (a) technology in delivering government assistance is rapidly changing, (b) such technology includes electronic benefit transfer systems, (c) major improvements have been made to electronic benefit transfer systems to lower costs and increase accountability, (d) such systems are being developed on the federal and nationwide levels, and (e) Nebraska should study and consider being a part of a national electronic benefit transfer system.

(2) The Governor shall appoint a task force consisting of one representative each of the Office of the Governor, the

Department of Banking and Finance, the Department of Social Services, and the banking industry, two representatives of the electronic transfer system industry, and three representatives of the retail grocery industry. The chairpersons of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall also be members of the task force. The task force shall study and make recommendations for an electronic benefit transfer system to deliver the most economic method for distribution of public assistance benefits. The study and recommendations shall be presented to the Legislature on or before December 1, 1995.".

2. Amend the operative date section so that section 19 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2271

(Amendments to E & R amendments, AM7123)

1. Insert the following new sections:

"Sec. 19. The Welfare Reform Act and sections 15 to 18 of this act terminate on June 30, 1997, unless reenacted or reauthorized by the Legislature.".

2. Amend the operative date provision so that section 19 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2298

(Amendments to AM1462)

1. On page 1, strike beginning with "It" in line 2 through "services" in line 11 and insert "It is the intent of the Legislature that crisis pregnancy services be enhanced in order to help prevent unintended pregnancies.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 563.

Correctly Engrossed

The following bills were correctly engrossed: 189, 490A, and 871.

Enrollment and Review Change to LB 189

The following changes, required to be reported for publication in the Journal, have been made:
ER9083

1. In lieu of the Lindsay-Wickersham amendment, FA223, in the Lindsay amendment, AM2234:

a. On page 6, line 13, "The public hearing may include videoconferencing." has been inserted after the period;

b. On page 6, line 22; and page 7, line 9, "The State Court Administrator shall provide adequate administrative support and information as requested by the commission." has been inserted after the period; and

c. On page 7, line 1, "or" has been struck and "a" inserted; and in line 2 ", or the reallocation of a judgeship from a district, county, or separate juvenile court in one judicial district to a district, county, or separate juvenile court in another judicial district" has been inserted after "boundaries".

2. On page 1, the matter beginning with "section" in line 1 through line 4 and all amendments thereto has been struck and "sections 24-201.01, 24-301.02, 24-803, 24-809.01, and 24-810, Revised Statutes Supplement, 1994; to change the salaries of judges; to change the number of judges in a district court judicial district; to change membership of the Judicial Resources Commission; to provide duties for the State Court Administrator and the Judicial Resources Commission; to change procedures for filling judicial vacancies; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 490A

The following changes, required to be reported for publication in the Journal, have been made:
ER9084

1. In the Kristensen amendment, AM2033, on page 1, line 5, "and" has been inserted after the semicolon.

2. On page 1, line 3, "; and to state intent" has been inserted after "1995".

Enrollment and Review Change to LB 563

The following changes, required to be reported for publication in the Journal, have been made:
ER9082

1. In the Day amendment, FA225:

a. On page 1, the matter beginning with "1" in line 12 through "(5)" in line 13 has been struck and "9, after '(4)' insert" inserted; in line 21 "for" has been struck; and in line 22 "determine" has been struck and "determines" inserted; and

b. On page 2, line 3, "(6)" has been struck and "(5)" inserted and "(7)" has been struck and "(6)" inserted; in line 4 "(8)" has been struck and "(7)" inserted; and in line 5 "(9)" has been struck and "(8)" inserted.

2. On page 2, line 1, "and" has been struck; and in line 3 "; and to declare an emergency" has been inserted after "Nebraska".

Enrollment and Review Change to LB 871

The following changes, required to be reported for publication in the Journal, have been made:

ER9081

1. In the E & R amendments, AM7109, on page 1, line 7, "and section" has been struck and "sections 13-515 and" inserted and ", and section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995" has been inserted after "1994"; in line 8 "irrigation districts," has been inserted before "water"; in line 9 "replacement water wells," has been inserted after the first comma; and in line 11 "to provide operative dates;" has been inserted after the second semicolon.

2. In the Standing Committee amendments, AM1200, on page 3, line 9, "effective date of this act" has been struck and "operative date of this section" inserted.

LEGISLATIVE BILL 519. Placed on Select File as amended.

E & R amendment to LB 519:

AM7158

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds that:

(1) Article IV, section 6, of the Constitution of Nebraska requires that the affairs of the state be economically and efficiently administered and thereby imposes a duty to expend no more for any service than it is worth;

(2) The types and provisions of contracts executed on behalf of the state have a direct bearing on the economical and efficient administration of the affairs of the state; and

(3) Fee-for-service contracts are the usual, customary, and accepted manner of contracting on behalf of the state.

Sec. 2. Any contingent fee contract of any kind whatsoever executed by the state or by any person on behalf of the state after the effective date of this act is void unless executed by the Governor upon thirty days' notice to the public at large.

Sec. 3. For purposes of this act:

(1) Contingent fee means any fee, whether commission, percentage, brokerage, finder's fee, or contingent fee or otherwise denominated, which is a percentage or portion of the amount or value recovered, obtained, or involved;

(2) Contingent fee contract means any contract or agreement which provides for payment of a contingent fee; and

(3) State means any department or agency of the state.".

2. On page 1, strike beginning with "executed" in line 2 through line 3 and insert "as prescribed; and to define terms.".

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendment to LB 283:
AM7159

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 28-906, Reissue Revised Statutes of Nebraska, is amended to read:

28-906. (1) A person commits the offense of obstructing a peace officer, when, by using or threatening to use violence, force, physical interference, or obstacle, he or she intentionally obstructs, impairs, or hinders (a) the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority or (b) a police animal assisting a peace officer acting pursuant to the peace officer's official authority.

(2) For purposes of this section, police animal means a horse or dog owned or controlled by the state or any of its political subdivisions or any law enforcement agency for the purpose of assisting a peace officer acting pursuant to the peace officer's official authority.

(3) ~~(2)~~ Obstructing a peace officer is a Class I misdemeanor.

Sec. 2. Section 28-1008, Revised Statutes Supplement, 1994, is amended to read:

28-1008. For purposes of sections 28-1008 to 28-1016:

(1) Abandon ~~shall mean~~ means to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

(2) Animal ~~shall mean~~ means any vertebrate member of the animal kingdom except man. The term ~~shall~~ does not include an uncaptured wild creature;

(3) Cruelly mistreat ~~shall mean~~ means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise ~~set~~ inflict harm upon any animal;

(4) Cruelly neglect ~~shall mean~~ means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;

(5) Humane killing ~~shall mean~~ means the destruction of an animal by a method which causes the animal a minimum of pain and suffering; ~~and~~

(6) Law enforcement officer ~~shall mean~~ means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances; and

(7) Police animal means a horse or dog owned or controlled by the state or any of its political subdivisions or any law enforcement agency for the purpose of assisting a law enforcement officer in the performance of the law enforcement officer's duties.

Sec. 3. Section 28-1009, Revised Statutes Supplement, 1994, is amended to read:

28-1009. (1) A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. Cruelty to animals is a Class II misdemeanor for the first offense and a Class I misdemeanor for any subsequent offense.

(2) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal. Harassment of a police animal is a Class IV misdemeanor unless the harassment results in the death of the police animal, in which case it is a Class IV felony.

Sec. 4. Section 28-1013, Revised Statutes Supplement, 1994, is amended to read:

28-1013. Sections 28-1008 to 28-1016 shall not apply to:

(1) Care or treatment of an animal ~~performed~~ by a veterinarian licensed under the Nebraska Veterinary Practice Act;

(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;

~~(2)~~ (3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq.;

~~(3)~~ (4) Commonly accepted practices of hunting, fishing, or trapping;

~~(4)~~ (5) Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests;

~~(5)~~ (6) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;

~~(6)~~ (7) Commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;

~~(7)~~ (8) Use of reasonable force against an animal, other than a police ~~dog~~ animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;

~~(8)~~ (9) Killing of house or garden pests;

~~(9)~~ (10) Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; and

~~(10)~~ (11) Commonly accepted animal training practices.

Sec. 5. Original section 28-906, Reissue Revised Statutes of Nebraska, and sections 28-1008, 28-1009, and 28-1013, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, line 6, strike "and assault on".

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were 12 nurses from throughout Nebraska; 20 fourth grade students and teacher from Raymond Central School, Ceresco; 50 fourth grade students and teachers from Seymour Elementary, Ralston; and 96 fifth grade students, teacher, and sponsors from St. Wenceslaus School, Omaha.

RECESS

At 12:01 p.m., on a motion by Mr. Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Engel, Fisher, and Landis who were excused; and Messrs. Beutler, Dierks, Hall, Hartnett, Lynch, Robinson, Schellpeper, Vrtiska, and Mrs. Robak who were excused until they arrive.

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Standing Committee amendment, AM2061, found in the Journal on page 2068, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA246

11. On page 29, line 17, after the last comma insert "29-2257,".

12. Renumber the remaining sections and correct internal references accordingly.

The first Standing Committee amendment was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

The second Standing Committee amendment is as follows:
FA239

4. On page 15, line 25, strike "sections" and insert "subsection (3) of section 28-306 or section".

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA247

Amend FA239 as follows:

1. Strike the new language on p. 5, lines 17-18 of AM2061 and reinstate the stricken language.

2. Add a new subsection:

"29-2221(1)(b) If the felony committed is in violation of section 28-306(3) and at least one of the prior convictions is in violation of §28-306(3) and the other is in violation of one of the sections set forth in subsection (a) or if the felony committed is in violation of one of the sections set forth in subsection (a) and both of the prior convictions are in violation of §28-306(3), the mandatory minimum term shall be 25 years and the maximum term not more than 60 years."

Ms. Day, Messrs. Kristensen, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mrs. Pirsch requested a record vote on the Chambers amendment.

Voting in the affirmative, 28:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Crosby
Elmer
Hall
Hartnett
Hillman
Hudkins
Janssen
Lindsay
Matzke
McKenzie
Pedersen
Robak
Robinson
Schimek
Schmitt
Stuhr
Warner
Wesely
Will
Withem

Voting in the negative, 3:

Pirsch
Wehrbein
Witek

Present and not voting, 7:

Cudaback
Dierks
Jensen
Jones
Lynch
Maurstad
Preister

Excused and not voting, 11:

Bromm
Coordsen
Day
Engel
Fisher
Kristensen
Landis
Schellpeper
Schrock
Vrtiska
Wickersham

The Chambers amendment was adopted with 28 ayes, 3 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch requested a record vote on the second Standing Committee amendment, as amended.

Voting in the affirmative, 29:

Abboud
Avery
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Dierks
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lindsay
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schmitt
Stuhr
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 5:

Bernard-Stevens
Chambers
Hall
Matzke
Schimek

Present and not voting, 4:

Elmer
Lynch
Robinson
Will

Excused and not voting, 11:

Bromm
Coordsen
Day
Engel
Fisher
Kristensen
Landis
Schellpeper
Schrock
Vrtiska
Wickersham

The second Standing Committee amendment, as amended, was adopted with 29 ayes, 5 nays, 4 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM2326

(Amendments to E & R amendments, AM7155)

1. On page 5, line 21, strike "current"; and in line 22 strike "to the next fiscal year".

GENERAL FILE

LEGISLATIVE BILL 371. The third Standing Committee amendment is as follows:

FA240

1. Strike original sections 24 to 27 and insert the following new sections:

Sec. 25. The Department of Correctional Services shall develop and implement a boot camp to commence July 1, 1997, for adult criminal offenders. It is the intent of the Legislature that the boot camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders. It is the further intent of the Legislature that the boot camp serve the interests of society by promoting the rehabilitation of offenders and by deterring offenders from engaging in further criminal activity. To accomplish these goals, the boot camp shall provide structured programming, including any of the following: Work programs, vocational training, behavior management and modification, money management, substance abuse awareness, counseling, or treatment, or other education and programming needs, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Sec. 26. (1) It is the intent of the Legislature that the court target the felony offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other forms of probation are not suitable, and (c) who, without the existence of a boot camp, would have gone to prison. It is the further intent of the Legislature that prior incarcerants for minor nonviolent offenses are not automatically ineligible to be sentenced to boot camp. It is also the intent of the Legislature that the offender convicted of a violent crime is not eligible to be sentenced to boot camp.

(2) When the court is of the opinion that imprisonment may be appropriate but that a brief and intensive period of incarceration may better serve the interests of society, the court may sentence an offender to a boot camp, which shall be a form of probation. The court may consider such commitment if the offender (a) is a male or female offender who is convicted as an adult, (b) has a maximum sentence of ten years or less, (c) is determined to be medically and mentally fit to participate, with allowances given for reasonable accommodation, (d) has not previously been incarcerated for a violent felony crime, and (e) has not demonstrated chronic violent behavior. Offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are precluded from being sentenced to boot camp.

Sec. 27. Upon successful completion of the boot camp program, as determined by the Department of Correctional Services, the sentencing court may place the offender on an appropriate form of probation or discharge the offender.

Sec. 28. If the offender for any reason fails to successfully complete the boot camp program, the sentencing court may impose any other sentence that the court may have originally imposed. Credit shall be given for time actually served in the boot camp program.

6. On page 18, line 25, after the semicolon insert

"(r) To successfully complete a boot camp program, as determined by the Department of Correctional Services;"; and in line 26 strike "(r)", show as stricken, and insert "(s)".

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Withem and Bernard-Stevens renewed the pending Withem amendment, AM2109, found in the Journal on page 2078, to the third Standing Committee amendment.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Mr. Will, Mmes. Robak, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem-Bernard-Stevens amendment was adopted with 30 ayes, 3 nays, 5 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Messrs. Wehrbein and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

The fourth Standing Committee amendment is as follows:
FA241

2. On page 7, line 27, strike the new matter and insert "One hundred forty grams or more shall be guilty".

3. On page 8, strike line 1 and show the old matter as stricken and insert "(b) At least twenty-eight grams but less than one hundred forty grams"; and in line 3 strike "one ounce but less than seven ounces", show as stricken, and insert "ten grams but less than twenty-eight grams".

Mrs. McKenzie, Messrs. Kristensen, Coordsen, Dierks, Warner, Brashear, Robinson, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the fourth Standing Committee amendment:

AM2349
(Amendments to Standing Committee amendments, AM2061 (FA241))

1. Strike amendments 2 and 3 and insert the following new amendments:

"2. On page 7, line 27, strike 'Sixteen ounces' and insert 'Four hundred fifty grams'.

3. On page 8, strike line 1 and show the old matter as stricken and insert '(b) At least two hundred grams but less than four hundred fifty grams'; in line 3 strike 'one ounce but less than seven ounces', show as stricken, and insert 'twenty-eight grams but less than two hundred grams'; in line 9 strike 'One hundred forty' and insert 'Four hundred fifty'; in line 11 strike 'twenty-eight', show as stricken, and insert 'two hundred'; in line 12 strike 'one hundred forty' and insert 'four hundred fifty'; and strike line 14 and insert '(c) At least twenty-eight grams but less than two hundred grams'.".

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Messrs. Hall, Matzke, Beutler, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Bernard-Stevens
Beutler
Brashear
Chambers
Crosby
Elmer
Hartnett
Lindsay
Lynch
Schimek
Warner
Wesely
Wickersham
Will

Voting in the negative, 15:

Abboud
Avery
Hillman
Hudkins
Janssen
Jensen
Jones
Pedersen
Pirsch
Preister
Schmitt
Schrock
Stuhr
Vrtiska
Witek

Present and not voting, 3:

Coordsen
Day
Wehrbein

Excused and not voting, 17:

Bohlke
Bromm
Brown
Cudaback
Dierks

Engel
Fisher
Hall
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Withem

The Chambers amendment lost with 14 ayes, 15 nays, 3 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Messrs. Janssen and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Pirsch requested a record vote on the fourth Standing Committee amendment.

Voting in the affirmative, 26:

Abboud
Avery
Beutler
Brashear
Crosby
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Pedersen
Pirsch
Preister
Schimek
Schmitt
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 6:

Bernard-Stevens
Chambers
Coordsen
Day
Hillman
Lynch

Excused and not voting, 17:

Bohlke
Bromm
Brown
Cudaback
Engel
Fisher
Hall
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Schrock
Withem

The fourth Standing Committee amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

The fifth Standing Committee amendment is as follows:
FA242
Sec. 29. (1) Structured programming shall be planned for

all adult persons committed to the department. The structured programming shall include any of the following: Work programs, vocational training, behavior management and modification, money management, and substance abuse awareness, counseling, or treatment. Programs and treatment services shall address:

(a) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;

(b) Drug and alcohol use and addiction;

(c) Health and medical needs;

(d) Education and related services;

(e) Counseling services for persons committed to the department who have been physically or sexually abused;

(f) Work ethics and structured work programs; and

(g) The development and enhancement of job acquisition skills and job performance skills.

(2) The goal of such structured programming is to provide the skills necessary for the person committed to the department to successfully return to his or her home or community or to a suitable alternative community upon his or her release from the secure confinement facility.

(3) If a person committed to the department refuses to participate in the structured programming described in subsection (1) of this section, he or she shall be subject to disciplinary action, including a loss of privileges, good time, or both, by the department.

(4) In no event shall a person committed to the department be ineligible for good time due to the unavailability of services referred to in this section.

(5) Any person committed to the department who is qualified by reason of education, training, or experience to teach academic or vocational classes may be given the opportunity to teach such classes to committed offenders as part of the structured programming described in this section.

7. On page 21, line 10, strike "subsection (1)" and insert "subsections (2) and (3)"; in line 14 after "(1)" insert: "(a) Within sixty days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. During incarceration, the committed offender shall comply with the department-approved personalized program plan and the department shall provide programs to allow compliance by the committed offender with the

department-approved personalized program plan.

(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. Upon completion of the department-approved personalized program plan by any committed offender as scheduled for any year, or pro rata part thereof, shall entitle the committed offender to the earned good time of three months described in this section.

(2)"; in line 18 after the period insert paragraphing and "(3)" and strike "may" and insert "shall"; and strike beginning with "participation" in line 21 through "plan" in line 24 and insert ":

(a)(i) The committed offender's successful participation in or completion of a department-approved educational program or the awarding of a high school diploma while incarcerated;

(ii) The committed offender's having received a high school, general educational development, or college diploma or the offender's successful completion of any other continuing educational program as offered by the department; or

(iii) The committed offender's successful participation in teaching an academic or vocational class offered by the department;

(b) The committed offender's successful completion of a department-approved substance abuse or addiction treatment program while he or she is incarcerated;

(c) The committed offender's successful completion of a department-approved criminal personality treatment program while he or she is incarcerated;

(d) The committed offender's demonstrated work ethic as shown by obtaining and maintaining regular employment in the correctional system;

(e) The committed offender's successful completion of a department-approved psychiatric counseling or treatment program while he or she is incarcerated; or

(f) Any other program deemed necessary and appropriate by the department".

8. On page 22, line 4, strike "(2)", show as stricken, and insert "(4)"; in lines 5 and 6 and 11 strike "subsection (1)" and insert "subsections (2) and (3)"; in line 10 strike "(3)", show as stricken, and insert "(5)"; and in line 17 strike "(4)", show as stricken, and insert "(6)".

9. On page 23, strike beginning with "received" in line 14 through "action" in line 15 and insert "been found guilty of a violation of the rules and regulations of the department"; and strike beginning with "The" in line 17 through line 21.

10. On page 26, lines 23 and 24, strike "subsection (1)" and insert "subsections (2) and (3)".

Mrs. Witek offered the following amendment to the fifth Standing Committee amendment:
FA248

Amend AM2061 (FA242)

1. On page 7, line 24, after "department" insert "and approved by the Governor"

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 386 in the Journal. No objections. So ordered.

AM2327

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 37, Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995, is amended to read:

Sec. 37. (1) By ~~January~~ September 1, 1996, the Governor shall appoint a Property Tax Administrator with the approval of a majority of the members of the Legislature. Until such appointment the Tax Commissioner shall serve as Property Tax Administrator. The Property Tax Administrator shall have experience and training in the fields of taxation and property appraisal and shall meet all the qualifications required for members of the Tax Equalization and Review Commission under section 4 of this act. The Property Tax Administrator shall serve a six-year term. The Property Tax Administrator may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless notice and hearing are expressly waived in writing by the Property Tax Administrator. The Property Tax Administrator shall supervise the property tax division of the Department of Revenue and perform other duties as provided by law. The Property Tax Administrator shall adopt and promulgate rules and regulations to carry out his or her duties.

(2) One of the purposes of this legislative bill is to transfer the powers and duties of the Tax Commissioner relating to assessment, valuation, and taxation of property to the Property Tax Administrator by September 1, 1996, and to allow for a smooth and orderly transfer of powers and duties.

Sec. 2. Original section 37, Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995, is repealed.".

2. On page 1, strike lines 2 through 4 and insert "37, Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995; to change the date of appointment of the Property Tax Administrator; and to repeal the original section.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2237

(Amendments to E & R amendments, AM7156)

1. On page 25, lines 13, 15 and 16, and 19; page 26, lines 3, 11, and 25 and 26; page 27, lines 19 and 22; page 28, lines 1 and 2, 8, and 17 and 18; page 29, lines 4, 5, and 6; page 30, line 8; page 31, lines 4 and 5, 13, 20, 23 and 24, and 25; page 33, line 13, 16 and 17, and 20; and page 34, lines 24 and 25, strike "controlled shooting area" and insert "school-free gun zone".

2. On page 25, lines 6, 22, and 24; page 28, line 9; page 30, line 22; page 31, line 9; and page 33, line 23, strike "controlled shooting area", show as stricken, and insert "school-free gun zone".

3. On page 30, lines 10 and 11, strike "controlled shooting", show as stricken, and insert "school-free gun zone"; in line 12 strike "area"; and in line 27 strike "controlled", show as stricken, and insert "school-free gun zone".

4. On page 31, line 1, strike "shooting area" and show as stricken.

5. On page 32, line 16, strike " controlled shooting areas", show the old matter as stricken, and insert "school-free gun zones"; in lines 21 and 23 strike "controlled shooting" and insert "school-free gun zone"; in lines 22 and 24 strike "area" and show as stricken; and in line 26 strike "controlled shooting areas" and insert "school-free gun zones".

6. On page 33, line 11, strike "controlled shooting areas" and insert "school-free gun zones".

7. On page 45, line 10, after the first comma insert "school-free gun zones,".

Mr. Wesely asked unanimous consent to print the following amendment to LB 693A in the Journal. No objections. So ordered.

AM2351

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 68-1062, Revised Statutes Supplement, 1994, is amended to read:

68-1062. After the plan has been submitted to the Legislature and the Governor, the department shall take all steps necessary, including the adoption and promulgation of rules and regulations, to assure that the plan is implemented as expeditiously as possible and not later than ~~July 1, 1995~~ forty-five days following the receipt of the regional waiver or waivers. The department shall use its best efforts to obtain a federal waiver or waivers from any requirements of Title XIX of the Social Security Act when such action is necessary to implement the managed care system. If such waivers are not granted, the department shall modify such system so that it does meet the requirements of Title XIX of the Social Security Act before implementing such system.

Sec. 2. Original section 68-1062, Revised Statutes Supplement, 1994, is repealed.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

AM2357

1. On page 31, strike beginning with "be" in line 27 through "as" in line 28, show as stricken, and insert "apply".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 624A in the Journal. No objections. So ordered.

AM2353

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $30,000 from the General Fund for FY1995-96 to the State Department of Education, Program No. 25, to aid in conducting a policy study relating to educational service units.".

Messrs. Wickersham, Beutler, and Warner asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM2346

1. In the E & R amendments, AM7138:

a. On page 1, line 22, after the period insert "If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor";

b. On page 2, strike beginning with "gift" in line 1 through "grant" in line 3 and insert "gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement"; and in line 5 after the first comma insert "line 1, after the period insert 'For purposes of this section, gift, bequest or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.'; in" and strike the second comma.

2. In the Standing Committee amendment, AM1400:

a. On page 3, line 26, strike "section" and insert "sections"; and in line 27 after "81-1108.17" insert "and 81-1108.22";

b. On page 5, line 22, after "Fund" insert "and the Building Renewal Allocation Fund; and strike beginning with "unless" in line 26 through line 27 and insert "except as provided in subsection (5) of this section".

c. On page 6, strike lines 1 through 3.

d. On page 7, line 6, before "Subdivisions" insert "(5)" and strike "(a)" through "subsection", show the old matter as stricken and insert "(4)(a) through (4)(e) of this section"; in line 10 strike "facilities to be", show as stricken, and insert "buildings and grounds owned or"; in line 12 strike "or" and show as stricken, in line 14 after "Roads" insert "(iv) buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding, (v) buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or (vi) other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional or unusual circumstances"; and in line 15 strike "(5)", show as stricken, and insert "(6)";

e. On page 9, line 1 and lines 10 and 11; page 12, line 18; page 14, line 13; and page 21, line 19, strike "subdivision (4)(b)" and insert "subsection (5)"; and

f. On page 18, line 3, after "Nebraska" insert "or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act"; and after the period in line 20 insert "The University of Nebraska and any Nebraska state college shall not be required to comply with or be subject to the provisions of this section since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 371A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

GENERAL FILE

LEGISLATIVE BILL 371. The Witek pending amendment, FA248, found in this day's Journal, to the pending fifth Standing Committee amendment, FA242, was renewed.

Messrs. Coordsen and Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek withdrew her amendment.

Mr. Chambers offered the following amendment to the fifth Standing Committee amendment:
FA249
Part 4 of AM2061 (FA242)
P. 4, line 8, strike "ethics" and insert "ethic"

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

MR. HALL PRESIDING

Messrs. Brashear, Abboud, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

The fifth Standing Committee amendment, as amended, was renewed.

Mr. Jensen moved the previous question. The question is, "Shall the debate now close?"

Mr. Jensen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The fifth Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 3 present and not voting, and 18 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2336

(Amendments to E & R amendments, AM7156)

1. On page 22, line 6, after the period insert "Permits under this section shall not be required for an auction of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 7, Legislative Bill 718, Ninety-fourth Legislature, First Session, 1995.".

GENERAL FILE

LEGISLATIVE BILL 371. The sixth Standing Committee amendment is as follows:

FA243

5. On page 16, line 2, after "subdivision" insert "or of a similar statute in another state or of the United States".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the sixth Standing Committee amendment:

FA250

Amend FA243

In the Green copy, P. 15, line 27 strike "or" through "sections" in line 28

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 189A in the Journal. No objections. So ordered.

AM2338

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $25,093 from the General Fund for FY1995-96 and (2) $47,926 from the General Fund for FY1996-97 to the Supreme Court, for Program 3, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $24,684 for FY1995-96 or $47,147 for FY1996-97.

Sec. 2. There is hereby appropriated (1) $20,431 from the General Fund for FY1995-96 and (2) $39,025 from the General Fund for FY1996-97 to the Supreme Court, for Program 4, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $20,100 for FY1995-96 or $38,391 for FY1996-97.

Sec. 3. There is hereby appropriated (1) $181,573 from the General Fund for FY1995-96 and (2) $396,863 from the General Fund for FY1996-97 to the Supreme Court, for Program 6, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $179,401 for FY1995-96 or $386,543 for FY1996-97.

Sec. 4. There is hereby appropriated (1) $173,667 from the General Fund for FY1995-96 and (2) $331,706 from the General Fund for FY1996-97 to the Supreme Court, for Program 7, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $170,849 for FY1995-96 or $326,322 for FY1996-97.

Sec. 5. There is hereby appropriated (1) $21,289 from the Compensation Court Cash Fund for FY1995-96 and (2) $43,850 from the Compensation Court Cash Fund for FY1996-97 to the Nebraska Workers' Compensation Court, for Program 526, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $20,982 for FY1995-96 or $40,075 for FY1996-97.

Sec. 6. There is hereby appropriated $21,050 from the

General Fund for FY1996-97 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $16,190 for FY1996-97.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Lindsay and Withem asked unanimous consent to print the following amendment to LB 189A in the Journal. No objections. So ordered.

AM2350

(Amendments to AM2338)

1. Strike section 6.
2. On page 1, line 20, strike "396,863" and insert "346,799".
3. On page 2, line 2, strike "386,543" and insert "342,655".
4. Renumber the remaining section.

GENERAL FILE

LEGISLATIVE BILL 371. The sixth Standing Committee amendment, FA243, found in this day's Journal, as amended, was renewed.

The sixth Standing Committee amendment, as amended, was adopted with 34 ayes, 2 nays, 3 present and not voting, and 10 excused and not voting.

Mr. Lindsay moved to invoke cloture on LB 371.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a record vote on the Lindsay motion to invoke cloture.

Voting in the affirmative, 35:

Avery
Beutler
Bohlke
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Robak
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Chambers
Hall

Present and not voting, 2:

Bernard-Stevens
Brashear

Excused and not voting, 10:

Abboud
Bromm
Coordsen
Engel
Fisher
Landis
Maurstad
Preister
Robinson
Schellpeper

The Lindsay motion for cloture prevailed with 35 ayes, 2 nays, 2 present and not voting, and 10 excused and not voting.

The seventh Standing Committee amendment is as follows:
FA244

"Sec. 12. Section 29-2257, Reissue Revised Statutes of Nebraska, is amended to read:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.

This provision for salary equalization shall apply only to probation officers and support staff and shall not apply to chief probation officers, the probation administrator, the chief deputy administrator, the deputy probation administrator, or any other similarly established management positions. The probation administrator shall report to the Judiciary Committee of the Legislature no later than December 1, 1995, detailing the actions taken under this section, including a breakdown on the distribution of salary equalization money appropriated by the Ninety-fourth Legislature, First Session.

The eighth Standing Committee amendment is as follows:
FA245

Sec. 30. Any individual, partnership, firm, limited liability company, corporation, company, society or association, the state or any department, agency, or subdivision thereof, or any other public or private entity aggrieved by the actions of an individual convicted of a violation of section 28-311.01 shall have a cause of action for any loss or damage, including reasonable costs and attorneys fees, resulting from the underlying conduct which was the basis for the conviction.".

The balance of the Standing Committee amendment, FA244 and FA245, was adopted with 27 ayes, 5 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
McKenzie
Pedersen
Pirsch
Robak
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Chambers
Hall

Present and not voting, 1:

Lynch

Excused and not voting, 10:

Abboud
Bromm
Coordsen
Engel
Fisher
Landis
Maurstad
Preister
Robinson
Schellpeper

Advanced to E & R for review with 36 ayes, 2 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

FA251

1. Page 5, lines 10 & 18;
2. Page 9, lines 5 & 8;
3. Page 10, line 6, strike "or" and insert "and".

Mr. Chambers asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

FA252

Page 3, line 20 strike "fifty" and insert "forty"; line 22 strike "fifty" and insert "thirty"

Mr. Chambers asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM0453

1. On page 7, line 27, strike "Sixteen ounces" and insert "Four hundred fifty grams".

2. On page 8, strike line 1 and show the old matter as stricken and insert "(b) At least two hundred grams but less than four hundred fifty grams"; in line 3 strike "one ounce but less than seven ounces", show as stricken, and insert "twenty-eight grams but less than two hundred grams"; in line 9 strike "One hundred forty" and insert "Four hundred fifty"; in line 11 strike "twenty-eight", show as stricken, and insert "two hundred"; in line 12 strike "one hundred forty" and insert "four hundred fifty"; and strike line 14 and insert "(c) At least twenty-eight grams but less than two hundred grams".

VISITORS

Visitors to the Chamber were fourth grade students and teachers from Tara Heights School, Papillion; 17 fourth grade students and sponsor from Lincoln Elementary, Grand Island; and 20 eighth grade students and sponsor from St. Rose School, Crofton.

The Doctors of the Day were Hal Pumphrey and Greg Glover from Lincoln.

ADJOURNMENT

At 10:06 p.m., on a motion by Mr. Will, the Legislature adjourned until 8:30 a.m., Friday, May 19, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SECOND DAY - MAY 19, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 19, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor William Nottage-Tacey, First Presbyterian Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Engel, Fisher, Hartnett, Landis, Maurstad, and Mrs. Robak who were excused; and Messrs. Bernard-Stevens, Chambers, Kristensen, Lindsay, Lynch, Pedersen, Wesely, Will, Mmes. Bohlke, Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 241 and 325.

Enrollment and Review Change to LB 241

The following changes, required to be reported for publication in the Journal, have been made:
ER9085
1. On page 7, line 12, "and" has been inserted after the comma.

Enrollment and Review Change to LB 325

The following changes, required to be reported for publication in the Journal, have been made:
ER7160
1. On page 1, line 3, "and" has been struck and "to require payments as prescribed;" inserted and "; to provide an operative date; and to declare an emergency" has been inserted after "Statutes".

(Signed) David I. Maurstad, Chairperson

REPORT

The following report was received by the Legislature:

Roads, Department of
Highway Cash Fund and Roads Operation Cash Fund for April 1995
(Section 66-4,144, R.S. Supp. 1994)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 483.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501, 77-3505.02, and 77-3507 to 77-3509, Revised Statutes Supplement, 1994; to change calculations for homestead exemptions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud
Avery
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Pirsch
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 18:

Bernard-Stevens
Bohlke
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 567.

A BILL FOR AN ACT relating to state-owned land; to amend section 72-817, Reissue Revised Statutes of Nebraska, and sections 72-801, 72-811, 72-813, and 72-816, Revised Statutes Supplement, 1994; to provide procedures for granting of utility easements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud
Avery
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 18:

Bernard-Stevens
Bohlke
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1560.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the administration and collection of a fee; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Avery
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 17:

Bernard-Stevens
Bohlke
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to county comptrollers; to amend section 23-1405, Reissue Revised Statutes of Nebraska; to change salary provisions for county comptrollers in counties having a population in excess of three hundred thousand inhabitants; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud
Avery
Beutler
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek
Withem

Voting in the negative, 1:

Hall

Present and not voting, 1:

Wickersham

Excused and not voting, 17:

Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Lynch
Maurstad
McKenzie
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-651.04, Revised Statutes Supplement, 1994; to change a provision relating to payments in lieu of taxes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Avery
Beutler
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Hall

Excused and not voting, 17:

Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Lynch
Maurstad
McKenzie
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 762.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-340, Revised Statutes Supplement, 1994; to change provisions relating to pickle card units and prize limits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Avery
Bernard-Stevens
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 2:

Beutler
Jensen

Excused and not voting, 16:

Bohlke
Brashear
Bromm
Brown
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Lynch
Maurstad
McKenzie
Robak
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT relating to highways; to amend sections 39-202, 39-203, 39-205, 39-210, 39-1302, 39-1311, 39-1320, 39-1320.02, 39-1320.03, 39-1320.07, 39-1320.09, 39-1320.12, 39-1320.13, 39-1320.14, 39-1320.15, 39-2601 to 39-2608, 39-2610, 39-2611, and 69-1701, Reissue Revised Statutes of Nebraska, and sections 39-1320.01, 39-1320.06, 39-1320.08, 39-1320.10, and 39-1320.11, Revised Statutes Supplement, 1994; to define terms; to change and eliminate outdoor advertising provisions; to provide for designation of scenic byways; to change map requirements; to change provisions relating to screening of junkyards adjacent to certain highways; to harmonize provisions; to repeal the original sections; and to outright repeal section 39-201, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Bernard-Stevens
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 1:

Wesely

Present and not voting, 3:

Avery
Beutler
Vrtiska

Excused and not voting, 13:

Bohlke
Brashear
Bromm
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Maurstad
McKenzie
Robak
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 626 to Select File

Mr. Beutler moved to return LB 626 to Select File for his specific amendment, AM1974, found in the Journal on page 2241.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 205.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change the auditing requirements of fire protection districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Avery
Beutler
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Schimek

Present and not voting, 3:

Coordsen
Hall
Pedersen

Excused and not voting, 13:

Bernard-Stevens
Bohlke
Brashear
Bromm
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Maurstad
Robak
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2701, 18-2705, and 18-2709, Revised Statutes Supplement, 1994; to redefine terms; to change provisions relating to proposed economic development programs; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 4:

Avery
Bernard-Stevens
Beutler
Warner

Present and not voting, 1:

Preister

Excused and not voting, 12:

Bohlke
Brashear
Bromm
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Maurstad
Robak
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 286.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Revised Statutes Supplement, 1994; to change tax levy limits for certain purposes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 11:

Brashear
Bromm
Chambers
Engel
Fisher
Hartnett
Landis
Lindsay
Maurstad
Robak
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. HALL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 394. The pending Standing Committee amendment, AM1757, found in the Journal on page 1886 and considered on page 2159, was considered.

Mr. Wehrbein renewed his pending amendment, AM2287, found in the Journal on page 2327, to the Standing Committee amendment.

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers withdrew his motion, found in the Journal on page 2173, to reconsider the vote on the Withem amendment, AM1841.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Withem withdrew his amendments, AM1179 and AM1178, found in the Journal on pages 1442 and 1443.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 325A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 742A. Title read. Considered.

Mr. Bernard-Stevens renewed his pending amendment, AM2196 found in the Journal on page 2160.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
FA253
1. Insert the following new section:
"Sec. 2. It is the intent of the Legislature that any General Funds saved as a result of appropriating less than $127,357,978 of General Funds in FY1996-97 for special education reimbursement shall be transferred to the Cash Reserve Fund."
2. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Avery
Beutler
Brown
Crosby
Cudaback
Jones
Pedersen
Pirsch
Wehrbein
Witek
Withem

Voting in the negative, 14:

Abboud
Bohlke
Brashear
Chambers
Day
Hall
Hillman
McKenzie
Schellpeper
Schimek
Warner
Wesely
Wickersham
Will

Present and not voting, 16:

Bernard-Stevens
Coordsen
Dierks
Elmer
Hudkins
Janssen
Jensen
Lindsay
Lynch
Matzke
Preister
Robinson
Schmitt
Schrock
Stuhr
Vrtiska

Excused and not voting, 8:

Bromm
Engel
Fisher
Hartnett
Kristensen
Landis
Maurstad
Robak

The Bernard-Stevens amendment lost with 11 ayes, 14 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens moved to reconsider his amendment, FA253, to LB 742.

Mr. Bernard-Stevens withdrew his motion to reconsider.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Messrs. Coordsen and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 189A. Mr. Withem renewed his pending amendment, AM2338, found in the Journal on page 2353.

Messrs. Lindsay and Withem renewed their pending amendment, AM2350, found in the Journal on page 2354, to the Withem pending amendment.

Messrs. Bernard-Stevens and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay-Withem amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Withem amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 382. E & R amendment, AM7130, found in the Journal on page 1857, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 530. E & R amendment, AM7138, found in the Journal on page 1917, was adopted.

SPEAKER WITHEM PRESIDING

Mr. Hall renewed his pending amendment, AM1679, found in the Journal on page 1708.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall asked unanimous consent to replace his pending amendment, AM1679, found in the Journal on page 1708, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his amendment, AM1679, found in the Journal on page 1708.

Mr. Hall offered the following substitute amendment:
AM2369

(Amendments to Standing Committee amendments, AM1400)

1. Insert the following new sections:

"Sec. 4. Section 81-1107, Reissue Revised Statutes of Nebraska, is amended to read:

81-1107. The Director of Administrative Services is hereby vested with the duties, powers, and responsibilities involved in:

(1) The preparation of the executive budget and execution of the approved budget except as otherwise provided by law,

including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods, and organization;

(2) The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for all purposes;

(3) The review and approval of financing agreements for the purposes of protecting the credit of the state, insuring the most advantageous terms, providing for proper accounting of financial transactions, complying with the approved budget, and promoting sound financial management;

(4) The operation of such storerooms and warehouses as may be necessary;

(5) The allotment of space in the State Capitol building and other state office buildings to the various departments and agencies according to their needs and the space available except as provided in ~~sections~~ section 81-1108.21; ~~and 81-1108.22;~~

(6) The supervision of telephone, mailing, messenger, duplicating, central data processing, and other like services adaptable to economical and centralized management;

(7) The planning, review, and preparation of a state capital construction budget; and

(8) The development, maintenance, and operation of a statewide intergovernmental data services system.

The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government while retaining ultimate direction and control.

Sec. 10. Section 81-1108.21, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.21. (1) The office space in the capitol building or any other state office building occupied by the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, and Chief Justice and Judges of the Supreme Court, including the office of the Clerk of the Supreme Court and courtrooms, on June 2, 1995, shall remain under the control of such officer or Chief Justice on and after such date. The Legislature, upon the recommendation of the Executive Board of the Legislature Council, shall determine its office space requirements in the capitol building and may occupy such office space as it requires except as provided in this subsection. ~~All office space in the capitol building or in any other state office building assigned to the executive, judicial or legislative branches of government on April 6, 1976, shall remain under the control of the branch assigned such space except as provided in~~

~~this subsection. When space is made available as the result of the movement of agencies into the new state office building, the state building division shall coordinate relocation of offices in the capitol building. A plan sanctioned by the Governor and Executive Board of the Legislative Council shall be developed by the division by June 1, 1976. The plan shall accommodate permanent private offices for each member of the Legislature and shall provide sufficient space for operations through 1980. Such plan shall include adequate legislative hearing rooms, relocation of press facilities, and support staff of such agencies. No space shall be taken from either the judicial or legislative branch without the consent of the Chief Justice or the Legislature if in session, or by the Executive Board of the Legislative Council if the Legislature is not in session, respectively. The needs for space of the Legislature shall be determined by the Legislature if in session and by the Executive Board of the Legislative Council if the Legislature is not in session. Except as provided in this subsection, no required space shall be taken from the executive branch without concurrence of the Governor.~~

(2) ~~The~~ After the determination by the Legislature pursuant to subsection (1) of this section, the administrator shall be responsible to the director for the determination of the space needs of all other departments and agencies of the state and for the assignment of the remaining office space. ~~within the executive branch.~~ The determination of such needs shall be based on considerations of: (a) ~~Space available~~ The availability of space as provided in this section within the capitol building and other state office buildings; (b) the desirability of locating all divisions and other organizational subunits of each department and agency of the state in physical proximity to the office of its head; (c) the degree to which the convenience of the public may be served by assignment of various areas within the capitol building or other state office buildings to the agencies and departments having requirements for direct dealing with the public in accordance with the volume of such dealings and the nature of the population served; (d) the interdependence of functions and operating procedures of the various agencies with one another as such interdependence may be efficiently accommodated through physical proximity in the location of assigned space; (e) applicable standards governing office requirements as may be developed; (f) proposed additions to functions or programs or creation of new functions or programs as authorized and required by action of the Legislature; (g) the availability of appropriations with which to finance renovations, remodeling and movement of equipment necessary to accommodate any proposed assignment or reassignment of area; (h) the degree to which funds raised by general taxation or having effect on the level of general taxation shall be affected by any proposed assignment of space outside the capitol building or other state office buildings; and (i)

conformity to federal standards in the assignment of space in buildings constructed with federal funds.

(3) The division shall have responsibility for provision and replacement of lighting, lighting fixtures, heating, cooling and ventilation, janitorial, custodial, and all other building services, including care and custody of the capitol buildings and grounds as may now be provided by law.

(4) Responsibility for employment and supervision of custodial and janitorial workers for areas of the capitol building occupied by the Legislature, the courts, and executive departments and agencies shall be in accordance with such agreements as may be defined by authorized representatives of the three branches. All ~~;~~ ~~PROVIDED, that all~~ funds for improvements, remodeling, renovation, partitioning or replacement of major fixtures, including carpeting, flooring, provision of drapes, lighting fixtures, and lamps, within any area of the capitol building or other state office building shall be at the disposal of the administrator.".

2. On page 6, strike line 4, show as stricken, and insert the following new subdivision:

"(c) To procure and manage office space and assign the remaining office space after the Legislature has made its determination pursuant to subsection (1) of section 81-1108.21;".

3. On page 25, line 7, after the second comma insert "81-1107,"; and in line 8 after the second comma insert "81-1108.21,".

4. Renumber the remaining sections accordingly.

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen offered the following amendment to the Hall pending amendment:
FA254
Amend AM2369 on Page 2 line 24 after Supreme Court add ", Court of Appeals"

The Kristensen amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Beutler offered the following amendment to the Hall pending amendment:
FA255
Amend the Hall amendment, AM2369, on page 2, line 27, strike "The Legislature upon the recommendation of"

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 483, 567, 581, 729, 732, 762, 264, 205, 207, and 286.

SELECT FILE

LEGISLATIVE BILL 530. The Beutler pending amendment, FA255, found in this day's Journal, to the Hall pending amendment, AM2369, found in this day's Journal, was renewed.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The Hall pending amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Lynch withdrew his amendments, AM2104 and AM2105, found in the Journal on page 2135.

Messrs. Wickersham, Beutler, and Warner renewed their pending amendment, AM2346, found in the Journal on page 2349.

The Wickersham-Beutler-Warner amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1995, at 11:50 a.m., were the following bills: 483, 567, 581, 729, 732, 762, 264, 205, 207, and 286.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

(Amendment, AM2305, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 256. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to initiate a comprehensive study of the impact of Nebraska's educational institutions upon the state's economic development efforts. One goal of the study shall be to determine the ability and willingness of educational institutions to tailor their course offerings to meet the needs of the business community.

The committee may survey businesses in the state to determine the desired educational level of the employees sought to be hired; the advantages to the businesses of programs such as "school-to-work" and "job training"; the desirability and availability of adult continuing education in different locales throughout the state; and the desirability and availability to existing employees of job-related graduate and postgraduate college courses.

The committee may conduct hearings to seek input from businesses, educational institutions, and other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 99. E & R amendment, AM7135, found in the Journal on page 1918, was adopted.

Mr. Wickersham renewed his pending amendment, AM2194, found in the Journal on page 2283.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 505. E & R amendment, AM7081, found in the Journal on page 1498, was adopted.

Mr. Beutler renewed his pending amendment, AM2157, found in the Journal on page 2147.

Messrs. Janssen, Schmitt, Vrtiska, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 5 nays, and 32 not voting.

Mr. Will moved the previous question. The question is, "Shall the debate now close?"

Mr. Will moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Beutler amendment lost with 3 ayes, 20 nays, 12 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Beutler renewed his pending amendment, AM2158, found in the Journal on page 2147.

MR. HALL PRESIDING

Messrs. Schellpeper and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?"

Mr. Pedersen moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

The Beutler amendment lost with 7 ayes, 20 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Brashear asked unanimous consent to print the following amendment to LB 399 in the Journal. No objections. So ordered.

AM2325

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 3. Section 49-1474.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1474.01. (1) The person, except an individual or individuals utilizing their own personal resources, who pays for the production, distribution, or posting of a billboard, placard, poster, pamphlet, or other printed matter relating to a candidate or ballot question shall cause a disclaimer containing the name and street address of the person to appear on such matter. The person who pays for a radio or television advertisement relating to a candidate or ballot question shall cause a disclaimer containing the name of such person to be included in the advertisement, and the radio or television station shall, for a period of at least six months, keep the street address of such person on file and divulge it to any person upon request.

(2) The size and placement of the disclaimer shall be determined by rules and regulations adopted and promulgated by the commission. The rules and regulations shall exempt from the disclaimer required by this section windshield stickers, yard signs, bumper stickers, campaign buttons, and balloons and may also exempt other items relating to a candidate or committee which are printed or reproduced at the request of such candidate or committee.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class IV misdemeanor.".

2. On page 1, line 2, after "section" insert "49-1474.01, Reissue Revised Statutes of Nebraska, and section"; in line 4 after the semicolon insert "to change a disclaimer requirement for printed political material;"; and in line 6 strike "section" and insert "sections".

3. On page 3, line 5, after "section" insert "49-1474.01, Reissue Revised Statutes of Nebraska, and section"; and in line 7 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 394. Placed on Select File as amended.
E & R amendment to LB 394:
AM7162

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. APPROPRIATION LANGUAGE.

There is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for FY1995-96 and FY1996-97, the sums specified in this act, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government.

Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act, FY1995-96 means the period beginning July 1, 1995, and ending June 30, 1996, and FY1996-97 means the period beginning July 1, 1996, and ending June 30, 1997.

Sec. 3. REAPPROPRIATION OF BALANCE, FY1995-96 to FY1996-97.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 1996, for FY1996-97 to the respective agencies, programs, and funds in this act.

Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act, except as provided in section 20 of this act.

Sec. 5. DRAWING AND PAYING WARRANTS.

The Director of Administrative Services shall draw warrants upon the proper fund in the state treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

Sec. 6. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	683,182	684,355
PROGRAM TOTAL	683,182	684,355
SALARY LIMIT	617,106	617,106

Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	562,762	563,766
PROGRAM TOTAL	562,762	563,766
SALARY LIMIT	502,500	502,500

Sec. 8. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,986,592	4,995,800
PROGRAM TOTAL	4,986,592	4,995,800
SALARY LIMIT	4,485,003	4,485,003

Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY1995-96	FY1996-97
GENERAL FUND	4,820,900	4,830,442
PROGRAM TOTAL	4,820,900	4,830,442
SALARY LIMIT	4,271,239	4,271,239

Sec. 10. AGENCY NO. 7 -- GOVERNOR

Program No. 2 - Salary - Governor

	FY1995-96	FY1996-97
GENERAL FUND	74,786	74,786
PROGRAM TOTAL	74,786	74,786
SALARY LIMIT	65,000	65,000

Sec. 11. AGENCY NO. 8 -- LIEUTENANT GOVERNOR

Program No. 8 - Salary - Lieutenant Governor

	FY1995-96	FY1996-97
GENERAL FUND	58,608	58,608
PROGRAM TOTAL	58,608	58,608
SALARY LIMIT	47,000	47,000

Sec. 12. AGENCY NO. 9 -- SECRETARY OF STATE

Program No. 9 - Salary - Secretary of State

	FY1995-96	FY1996-97
GENERAL FUND	64,573	64,573
PROGRAM TOTAL	64,573	64,573
SALARY LIMIT	52,000	52,000

Sec. 13. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS

Program No. 10 - Salary - Auditor

	FY1995-96	FY1996-97
GENERAL FUND	56,575	56,575
PROGRAM TOTAL	56,575	56,575
SALARY LIMIT	49,500	49,500

Sec. 14. AGENCY NO. 11 -- ATTORNEY GENERAL

Program No. 11 - Attorney General's Salary

	FY1995-96	FY1996-97
GENERAL FUND	73,849	73,849
PROGRAM TOTAL	73,849	73,849
SALARY LIMIT	64,500	64,500

Sec. 15. AGENCY NO. 12 -- STATE TREASURER

Program No. 12 - Salary - State Treasurer

	FY1995-96	FY1996-97
GENERAL FUND	61,487	61,487
PROGRAM TOTAL	61,487	61,487
SALARY LIMIT	49,500	49,500

Sec. 16. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION

Program No. 14 - Salaries of Public Service Commissioners

	FY1995-96	FY1996-97
GENERAL FUND	258,005	259,520
PROGRAM TOTAL	258,005	259,520
SALARY LIMIT	210,000	210,000

Sec. 17. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF PAROLE

Program No. 320 - Board of Parole Salaries

	FY1995-96	FY1996-97
GENERAL FUND	290,821	301,142
PROGRAM TOTAL	290,821	301,142
SALARY LIMIT	244,763	253,681

Sec. 18. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

Program No. 13 - Tax Commissioner

	FY1995-96	FY1996-97
GENERAL FUND	90,140	90,147
PROGRAM TOTAL	90,140	90,147
SALARY LIMIT	75,315	75,315

Sec. 19. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION COURT

Program No. 526 - Judges' Salaries

	FY1995-96	FY1996-97
CASH FUND	589,247	589,247
PROGRAM TOTAL	589,247	589,247
SALARY LIMIT	524,540	524,540

It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, then the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.

Sec. 20. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

(1) As used in this act:

(a) SALARY LIMIT means total expenditures for permanent and temporary salaries and per diems; and

(b) Total expenditures for permanent and temporary salaries and per diems means all remuneration paid to employees treated as taxable compensation by the Internal Revenue Service or subject to social security coverage, specifically including payments accounted for as vacation, holidays, sick leave, military leave, funeral leave, maternity leave, administrative leave, compensatory time, deferred compensation, or any other similar form, and amounts withheld pursuant to law, but excluding state contributions for social security, retirement, and employee insurance plans.

(2) Total expenditures for permanent and temporary

salaries and per diems are limited to the amount provided by law for constitutional officers.

(3) The limitation on expenditures for permanent and temporary salaries and per diems for FY1996-97 shall be increased by amounts encumbered from FY1995-96 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

Sec. 21. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 325A. Placed on Select File as amended.
E & R amendment to LB 325A:
AM7161

1. On page 7, line 8, after "System" insert "Fund"; and in line 12 before "BOARD" insert "BOARD OF PARDONS AND".
2. On page 11, line 21, strike "Department".
3. On page 12, line 15; page 13, line 4; and page 21, line 5, strike the comma.
4. On page 15, lines 18 and 26, strike the first comma; and in line 18 strike "11,644" and insert "10,644".
5. On page 16, line 6, strike the first comma.
6. On page 22, line 4, before "Brand" insert "Nebraska".
7. On page 23, line 2, after "CASH" insert "FUND".
8. On page 30, line 15, after "567" insert a comma.
9. On page 31, line 22, strike "Administration" and insert "Enforcement of Standards-Equal Employment and Housing".
10. On page 36, line 20, after "Finance" insert "Limitation".
11. On page 37, line 3, strike "COMMISSION" and insert "COUNCIL"; and in line 27 after "Agency" insert "No." and after "Program" insert "No.".

LEGISLATIVE BILL 742A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 505. Mr. Beutler renewed his pending amendment, AM2159, found in the Journal on page 2147.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?"

Mr. Wickersham moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 7 ayes, 17 nays, 11 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Beutler withdrew his amendments, AM2264, AM2265, and AM2263, found in the Journal on pages 2294 and 2295.

Mr. Will moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Will requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Avery
Brashear
Brown
Coordsen
Crosby
Day
Elmer
Hall
Hillman
Hudkins
Janssen
Jensen
Kristensen
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 3:

Beutler
Chambers
Wesely

Present and not voting, 3:

Bernard-Stevens
Dierks
Schmitt

Excused and not voting, 13:

Abboud
Bohlke
Bromm
Cudaback
Engel
Fisher
Hartnett
Jones
Landis
Maurstad
Robak
Schellpeper
Warner

Advanced to E & R for engrossment with 30 ayes, 3 nays, 3 present and not voting, and 13 excused and not voting.

SPEAKER WITHEM PRESIDING

The Chair declared the call raised.

LEGISLATIVE BILL 106. E & R amendment, AM7140, found in the Journal on page 1978, was adopted.

Mr. Dierks asked unanimous consent to bracket LB 106 until January 10, 1996. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Day asked unanimous consent to print the following amendment to LB 592A in the Journal. No objections. So ordered.

AM2372

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $42,846 from the General Fund and $82,822 from federal funds for FY1995-96 and (2) $121,975 from the General Fund and $236,777 from federal funds for FY1996-97 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 592, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $28,707 for FY1995-96 or $163,655 for FY1996-97.

Sec. 2. The appropriation for FY1995-96 to the Department of Social Services, for Program 347, shall be reduced by $32,151 General Funds and $37,355 federal funds. The appropriation for FY1996-97 to the Department of Social Services, for Program 347, shall be reduced by $219,503 General Funds and $243,869 federal funds.

Sec. 3. There is hereby appropriated $27,000 from the General Fund for FY1995-96 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 592, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $5,000 from the General Fund for FY1995-96 and (2) $99,136 from the General Fund for FY1996-97 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 592, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $70,372 for FY1996-97.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371A in the Journal. No objections. So ordered.

AM2374

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $460,427 from the General Fund for FY1995-96 and (2) $552,512 from the General Fund for FY1996-97 to the Supreme Court, for Program 67, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $399,849 for FY1995-96 or $479,819 for FY1996-97.".

2. On page 2, line 17, strike "$1,486,432" and insert "$641,825"; in line 23 strike "$534,016" and insert "$175,634"; and strike lines 24 through 26.

MOTION - Recommit LB 418 to Committee

Mr. Withem moved to recommit LB 418 to the Committee on Government, Military and Veterans Affairs pursuant to rule 6, section 5 (c).

Laid over.

VISITORS

Visitors to the Chamber were members from First Presbyterian Church, Norfolk; Josef Goeppel from Germany, Gabriele Miniter, and Doug Duey; 65 eighth grade students and teacher from C. L. Jones Middle School, Minden; and 54 fourth grade students, teacher, and sponsor from Conestoga Elementary, Nehawka.

MOTION - Adjournment

Mr. Preister moved to adjourn. The motion prevailed with 17 ayes, 14 nays, 5 present and not voting, and 13 excused and not voting, and at 1:50 p.m., the Legislature adjourned until 8:30 a.m., Monday, May 22, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-THIRD DAY - MAY 22, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 22, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Tim Kiser, Presbyterian Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Brashear, Chambers, Cudaback, Engel, Fisher, Hall, Kristensen, Landis, Lindsay, Pedersen, Wesely, Will, and Mrs. Bohlke who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Hall, 7.

WHEREAS, the week of June 4, 1995, has been designated by the National Management Association as "Management Week"; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, there are three chapters of the National Management Association comprised of employees of the State of Nebraska; and

WHEREAS, the original chapter, the Nebraska State Government Chapter of the National Management Association, was chartered in 1984 with one hundred members and now has three hundred members representing forty-six state agencies, including the Legislative Council; and

WHEREAS, the Omaha Chapter of the National Management Association was chartered in 1989 and now has sixty-four members representing five state agencies and business owners; and

WHEREAS, the Southeast Nebraska Community Chapter of the National Management Association was chartered in 1990 and now has fifty-one members representing one state agency and several community business leaders; and

WHEREAS, the Nebraska State Government Chapter will join with the Omaha Chapter of the National Management Association and with other private and public sector managers nationwide to honor the role and achievements of managers in our society during "Management Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby declares the week commencing June 5, 1995, as "Management Week" in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That copies of this resolution be sent to Cathy Wann, President of the Nebraska State Government Chapter of the National Management Association, Kathy Lynch, President of the Omaha Chapter of the National Management Association, and Larry Ramsey, President of the Southeast Nebraska Community Chapter in Beatrice.

Laid over.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 544.

A BILL FOR AN ACT relating to marriage; to amend section 42-372, Reissue Revised Statutes of Nebraska; to change the time when a divorce decree becomes final; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Beutler
Bromm
Day
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Witek

Voting in the negative, 1:

Crosby

Present and not voting, 4:

Coordsen
Lynch
Warner
Withem

Excused and not voting, 16:

Abboud
Bohlke
Brashear
Brown
Chambers
Cudaback
Engel
Fisher
Hall
Hillman
Kristensen
Landis
Lindsay
Pedersen
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 552 to Select File

Mr. Beutler moved to return LB 552 to Select File for the following specific amendment:
(Amendment, AM2321, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

The Beutler motion to return prevailed with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 552. The Beutler specific amendment, AM2321, printed separately from the Journal and referred to in this day's Journal, was considered.

Pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 564.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1401.02, 60-1406, 60-1411.03, 60-1413, 60-1416, and 60-1417, Reissue Revised Statutes of Nebraska, and sections 60-114, 60-1403, and 60-1411.02, Revised Statutes Supplement, 1994; to change provisions relating to transfers of title, licensing, and regulation by the Nebraska Motor Vehicle Industry Licensing Board; to redefine terms; to change a penalty provision; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Brashear
Chambers
Cudaback
Engel
Fisher
Hall
Hillman
Landis
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-204, Reissue Revised Statutes of Nebraska; to change residency requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Schimek

Excused and not voting, 10:

Brashear
Chambers
Cudaback
Engel
Fisher
Hall
Hillman
Landis
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 583.

A BILL FOR AN ACT relating to game and parks; to amend section 37-204, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994; to change certain nonresident permit fees to hunt and fish; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 2:

Pirsch
Robak

Excused and not voting, 10:

Brashear
Chambers
Cudaback
Engel
Fisher
Hall
Hillman
Landis
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to solid waste; to provide duties for municipalities which intend to provide or expand solid waste collection services into areas served by private entities.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Warner
Witek

Excused and not voting, 10:

Brashear
Chambers
Cudaback
Engel
Fisher
Hall
Hillman
Landis
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 696 to Select File

Mr. Beutler moved to return LB 696 to Select File for the following specific amendment:
FA256

1. In line 9 page 4 strike the new language and reinstate the old language.
2. After the word 'HIRE' on line 11, page 4 add "except personalized message license plates need not meet these requirements.

The Beutler motion to return lost with 10 ayes, 18 nays, 14 present and not voting, and 7 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 544, 564, 579, 583, and 629.

MOTION - Approve Appointments

Mrs. Hudkins moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 2253: Colonel James A. Pearson - Parole Board.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the confirmation report.

Voting in the affirmative, 40:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Avery
Robak

Excused and not voting, 6:

Fisher
Hall
Hillman
Landis
Lindsay
Will

The appointment was confirmed with 40 ayes, 1 nay, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 2330: Bradley J. Hansen, Vincent J. Kramper, and Curt G. Werner - Nebraska Environmental Trust Board.

Voting in the affirmative, 35:

Abboud
Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 8:

Bohlke
Chambers
Cudaback
Dierks
Kristensen
Schellpeper
Schmitt
Withem

Excused and not voting, 6:

Fisher
Hall
Hillman
Landis
Lindsay
Will

These appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 2331: Nancy Andrews, Janet Bernard-Stevens, Conrad Boehler, Jack Dixon, Paul Fuhrer, Dennis Heermann, Fred Hlava, and Richard Sommer - Nebraska Environmental Quality Council.

Voting in the affirmative, 34:

Abboud
Avery

Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 9:

Bohlke
Cudaback
Kristensen
Lynch
Schellpeper
Schimek
Wesely
Wickersham
Withem

Excused and not voting, 6:

Fisher
Hall
Hillman
Landis
Lindsay
Will

These appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 110. Read. Considered.

LR 110 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 218. Read. Considered.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer requested that a majority of the elected members be required for the adoption of LR 218, pursuant to Rule 4, Section 5.

SPEAKER WITHEM PRESIDING

LR 218 was adopted with 30 ayes, 0 nays, and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 392. The Witek pending amendment, AM2163, found in the Journal on page 2152 and considered on page 2326, was renewed.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 18:

Abboud
Avery
Bernard-Stevens
Cudaback
Engel
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
Pirsch
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Witek

Voting in the negative, 10:

Brown
Crosby
Lindsay
Lynch
Robak
Schimek
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 15:

Beutler
Bohlke
Brashear
Bromm
Chambers
Coordsen
Day
Dierks
Elmer
Hartnett
Janssen
McKenzie
Preister
Schellpeper
Wesely

Excused and not voting, 6:

Fisher
Hall
Hillman
Landis
Pedersen
Will

The Witek amendment lost with 18 ayes, 10 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
AM2209

(Amendments to Standing Committee amendments, AM1754)

1. On page 28, line 16, strike "1,216,120 1,223,482" and insert "1,116,120 1,123,482"; and in line 20 strike "1,977,724 1,953,691" and insert "1,877,724 1,853,691".

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud
Avery
Bernard-Stevens
Beutler
Chambers
Crosby
Day
Janssen
Jensen
Kristensen
Landis
Lindsay
Lynch
Pirsch
Preister
Robak
Robinson
Schimek
Warner
Wesely
Withem

Voting in the negative, 23:

Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Jones
Matzke
Maurstad
McKenzie
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Witek

Excused and not voting, 5:

Fisher
Hall
Hillman
Pedersen
Will

The Beutler amendment lost with 21 ayes, 23 nays, and 5 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointment Tuesday, May 30, 1995 12:00 noon
Frankie Moore - Commission of Industrial Relations

(Signed) Chris Abboud, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1995, at 10:00 a.m., were the following bills: 544, 564, 579, 583, and 629.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

EXPLANATIONS OF VOTES

Had I been present, I would have voted "yes" on LBs 729, 732, 483, and 762 and I would have voted "no" on LB 207.

(Signed) David I. Maurstad

Had I been present I would have voted "yes" on Final Reading of LBs 499, 739, and 856.

(Signed) Elaine Stuhr

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 860 in the Journal. No objections. So ordered.

AM2334

(Amendments to Final Reading copy)

1. On page 9, strike beginning with "The" in line 2 through "priorities" in line 6 and insert "Priorities"; in line 6 after the second comma insert "the direct connection of each kindergarten through grade twelve public school district or affiliated school system to a statewide public computer information network, the"; and in line 8 strike the second "or" and insert "and".

Mrs. Witek asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM2388

(Amendments to Final Reading copy)

1. Strike sections 3 to 12 and insert the following new section:

"Sec. 3. The County Revenue Assistance Fund is created. The fund shall consist of money appropriated from the General Fund.

The Legislature recognizes the necessity for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the counties of Nebraska in providing for extraordinary indigent defense services. It is the intention of the Legislature to confer emergency powers on the Governor and vest him or her with adequate power and authority within the limitation of available funds in the County Revenue Assistance Fund to meet the need for extraordinary indigent defense services.

Counties may apply for funds to help cover the costs of providing indigent defense services. Assistance shall be provided from the fund to counties which have incurred costs to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the county. The applications shall be on forms furnished by the Governor and shall furnish sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The highest priority for awarding funds shall be in death penalty cases and the next priority shall be in other murder cases.

When awarding funds the Governor shall issue an emergency declaration which sets forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Governor shall determine the amount of aid to be furnished. The Governor shall issue his or her voucher to the Director of Administrative Services who shall issue his or her warrant therefor to the applicant.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 3, strike beginning with "to" in line 2 through "Advocacy" in line 3.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 700 in the Journal. No objections. So ordered.

(Amendment, AM2358, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Withem asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM2218

(Amendments to Final Reading copy)

1. On page 7, line 23, after "credit" insert ". The six-month requirement shall not apply to a producer who is unable to maintain production at such rate for the six-month period due to a force majeure or equipment failure which occurs notwithstanding the good faith efforts of the producer or for entities that have contracts entered into by the State of Nebraska".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 700A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to amend section 30, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, First Session, 1995; and to repeal the original section.

VISITORS

Visitors to the Chamber were Kendra Davis from North Platte, Casey Russman from Cozad, Jason Stewart from Dixon, Angela Radliff from Kearney, and Sandra Stockall; 40 fourth grade students, teacher, and sponsor from Christ the King School, Omaha; and 34 fourth grade students and teacher from Holling Heights Elementary, Omaha.

RECESS

At 12:01 p.m., on a motion by Mrs. Brown, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Beutler, Chambers, Cudaback, Hall, Landis, Robinson, Schmitt, Schrock, Warner, Wesely, Will, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 189A and 382.

(Signed) David I. Maurstad, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on Final Passage of LBs 483, 567, 581, 729, 732, 762, 264, 205, 207, and 286.

(Signed) Curt Bromm

SELECT FILE

LEGISLATIVE BILL 392. Mr. Wehrbein offered the following amendment:
AM2189

(Amendments to Standing Committee amendments, AM1754)

1. On page 108, after line 27, insert the following new paragraphs:

"It is the intent of the Legislature that the State Building Administrator shall cause plans and specifications to be developed to provide additional parking for state vehicles and state employees. Such plans may include expansion of existing parking structures, a new structure, or both.

In order to accomplish such project, the State Building Administrator may enter into contracts with the city of Lincoln and any person, firm, or corporation necessary to provide for the implementation of the project. Such contracts may provide for the long-term payment of the cost of the project from the Capitol Buildings Parking Revolving Fund. There is included in the appropriation to this program funds to pay for such long-term payments.

The State Building Administrator shall not pledge the credit of the State of Nebraska for the payment of any sum due on account of such project, except that the administrator may pledge any appropriation made by the Legislature for such purposes.".

Mr. Wehrbein withdrew his amendment.

Mr. Avery offered the following amendment:
AM2071

(Amendments to Standing Committee amendments, AM1754)

1. On page 81, lines 2 and 3, strike "582,462 582,462" and insert "406,416 502,379"; and in lines 13 and 14 strike "1,135,677 1,135,677" and insert "959,631 1,055,594".

2. On page 82, lines 6 and 7, strike "750,000 1,000,000" and insert "620,135 835,788".

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Avery withdrew his amendment.

Mr. Brashear renewed the Brashear-Hillman pending amendment, AM2183, found in the Journal on page 2219.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Brashear moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Maurstad requested a roll call vote on the Brashear-Hillman amendment.

Voting in the affirmative, 23:

Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Day
Dierks
Elmer
Engel
Hall
Hartnett
Kristensen
Matzke
McKenzie
Preister
Robak
Schmitt
Vrtiska
Warner
Wesely
Wickersham

Voting in the negative, 12:

Avery
Coordsen
Janssen
Jensen
Jones
Lindsay
Lynch
Pirsch
Robinson
Stuhr
Wehrbein
Witek

Present and not voting, 7:

Fisher
Hudkins
Maurstad
Schellpeper
Schimek
Schrock
Withem

Excused and not voting, 7:

Abboud
Beutler
Cudaback
Hillman
Landis
Pedersen
Will

The Brashear-Hillman amendment lost with 23 ayes, 12 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to suspend Rule 6, Section 5, Rule 7, Section 3, and Rule 7, Section 7 and vote on the advancement of LB 392 without further amendment or debate.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Chambers requested a roll call vote on the Withem motion to suspend the rules.

Voting in the affirmative, 38:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 3:

Chambers
Jensen
Witek

Present and not voting, 4:

Bernard-Stevens
Lindsay
Pirsch
Preister

Excused and not voting, 4:

Abboud
Cudaback
Hillman
Will

The Withem motion to suspend the rules prevailed with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Robinson requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 15:

Avery
Bromm
Chambers
Coordsen
Fisher
Janssen
Jensen
Jones
Lindsay
Pedersen
Pirsch
Robinson
Schmitt
Vrtiska
Witek

Excused and not voting, 4:

Abboud
Cudaback
Hillman
Will

Advanced to E & R for engrossment with 30 ayes, 15 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 394. E & R amendment, AM7162, found in the Journal on page 2378, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 325A. E & R amendment, AM7161, found in the Journal on page 2381, was adopted.

Advanced to E & R for engrossment.

MOTION - Return LB 275 to Select File

Mr. Pedersen moved to return LB 275 to Select File for his specific amendment, AM1854, found in the Journal on page 2034.

Mr. Pedersen requested a roll call vote on his motion to return.

Voting in the affirmative, 24:

Avery
Beutler
Day
Engel
Fisher
Hall
Hartnett
Hudkins
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Stuhr
Wesely
Wickersham
Withem

Voting in the negative, 14:

Bernard-Stevens
Bohlke
Bromm
Chambers
Coordsen
Crosby
Cudaback
Jensen
Jones
Pirsch
Schmitt
Vrtiska
Warner
Witek

Present and not voting, 8:

Brashear
Brown
Dierks
Elmer
Janssen
Maurstad
Schrock
Wehrbein

Excused and not voting, 3:

Abboud
Hillman
Will

The Pedersen motion to return lost with 24 ayes, 14 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Return LB 369 to Select File

Mr. Wickersham moved to return LB 369 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2377.)

Messrs. Bernard-Stevens and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 369. The Wickersham specific amendment, AM2377, on file in the Clerk's Office and referred to in this day's Journal, was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 369A to Select File

Mr. Wickersham moved to return LB 369A to Select File for the following specific amendment:
AM2410

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated $122,054 from the General Fund for FY1996-97 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 369, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. The appropriation for FY1995-96 to the Public Employees Retirement Board for Program 515, shall be reduced by $278,181 General Funds. The appropriation for FY1996-97 to the Public Employees Retirement Board for Program 515, shall be reduced by $278,181 General Funds.".

The Wickersham motion to return prevailed with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 369A. The Wickersham specific amendment, AM2410, found in this day's Journal, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 384

Mr. Landis withdrew his amendment, AM1817, printed separately from the Journal and referred to on page 2146, to LB 384.

Messrs. Lindsay and Hall withdrew their amendment, AM2303, printed separately from the Journal and referred to on page 2315, to LB 384.

MOTION - Return LB 384 to Select File

Mr. Landis moved to return LB 384 to Select File for his specific amendment, AM2305, printed separately from the Journal and referred to on page 2374.

The Landis motion to return prevailed with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 384. The Landis specific amendment, AM2305, printed separately from the Journal and referred to on page 2374, was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 386 to Select File

Mr. Kristensen moved to return LB 386 to Select File for his specific amendment, AM2327, found in the Journal on page 2347.

The Kristensen motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 386. The Kristensen specific amendment, AM2327, found in the Journal on page 2347, was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 399

Mr. Brashear withdrew his amendment, AM2325, found in the Journal on page 2377, to LB 399.

MOTION - Return LB 399 to Select File

Mr. Brashear moved to return LB 399 to Select File for the following specific amendment:
AM2420

(Amendments to Final Reading copy)

1. Insert the following new section:
"Sec. 3. Section 49-1474.01, Reissue Revised Statutes of

Nebraska, is amended to read:

49-1474.01. (1) The person, except an individual or individuals acting independently utilizing their own personal resources, who pays for the production, distribution, or posting of a billboard, placard, poster, pamphlet, or other printed matter relating to a candidate or ballot question shall cause a disclaimer containing the name and street address of the person to appear on such matter. The person who pays for a radio or television advertisement relating to a candidate or ballot question shall cause a disclaimer containing the name of such person to be included in the advertisement, and the radio or television station shall, for a period of at least six months, keep the street address of such person on file and divulge it to any person upon request.

(2) The size and placement of the disclaimer shall be determined by rules and regulations adopted and promulgated by the commission. The rules and regulations shall exempt from the disclaimer required by this section windshield stickers, yard signs, bumper stickers, campaign buttons, and balloons and may also exempt other items relating to a candidate or committee which are printed or reproduced at the request of such candidate or committee.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class IV misdemeanor.".

2. On page 1, line 2, after "section" insert "49-1474.01, Reissue Revised Statutes of Nebraska, and section"; in line 4 after the semicolon insert "to change a disclaimer requirement for printed political material;"; and in line 6 strike "section" and insert "sections".

3. On page 3, line 5, after "section" insert "49-1474.01, Reissue Revised Statutes of Nebraska, and section"; and in line 7 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

The Brashear motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 399. The Brashear specific amendment, AM2420, found in this day's Journal, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 693A

Mr. Wesely withdrew his amendment, AM2351, found in the Journal on page 2348, to LB 693A.

MOTION - Return LB 693A to Select File

Mr. Wesely moved to return LB 693A to Select File for the following specific amendment:
AM2413

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 68-1062, Revised Statutes Supplement, 1994, is amended to read:

68-1062. After the plan has been submitted to the Legislature and the Governor, the department shall take all steps necessary, including the adoption and promulgation of rules and regulations, to assure that the plan is implemented as expeditiously as possible and not later than ~~July 1, 1995~~ forty-five days following the receipt of the required waiver or waivers. The department shall use its best efforts to obtain a federal waiver or waivers from any requirements of Title XIX of the Social Security Act when such action is necessary to implement the managed care system. If such waivers are not granted, the department shall modify such system so that it does meet the requirements of Title XIX of the Social Security Act before implementing such system.

Sec. 2. Original section 68-1062, Revised Statutes Supplement, 1994, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

The Wesely motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 693A. The Wesely specific amendment, AM2413, found in this day's Journal, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MESSAGE FROM THE GOVERNOR

May 22, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed.

APPOINTEES:
Nebraska Dry Bean Commission
Dale Eirich, RR 2, Box 356, Bayard, NE 69334
F. Jon Holzfaster, Route 1, Box 42, Paxton, NE 69155
State Personnel Board
Samuel F. Seever, 6425 Lone Tree Drive, Lincoln, NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 371. Placed on Select File as amended.
(E & R amendment, AM7163, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 392 in the Journal. No objections. So ordered.

AM2414
(Amendments to Standing Committee amendments, AM1754)

1. On page 85, lines 15 and 16, strike "310,308,570 314,911,262" and insert "304,191,479 301,729,842"; and strike lines 26 and 27.
2. On pages 86 and 87, strike lines 1 through 27.
3. On page 88, strike lines 1 through 4.

4. On page 89, strike lines 9 through 24.

5. On page 90, strike lines 5 through 20.

6. On page 159, line 3, strike "and"; and in line 9 before the period insert "; and

(r) From the General Fund (1000) to the Cash Reserve Fund (1100) to be used for prison construction projects: $6,117,091".

7. On page 161, line 17, strike "and"; and in line 23 before the first period insert "; and

(s) From the General Fund (1000) to the Cash Reserve Fund (1100) to be used for prison construction projects: $13,181,420".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2405

(Amendments to E & R amendments, AM7123)

1. Strike section 1 and all amendments thereto and insert the following new sections:

"Section 1. Section 43-504, Reissue Revised Statutes of Nebraska, is amended to read:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county social services agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified in this subsection at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) ~~In~~ Except as provided in subdivision (2)(b) of section 68-1724, in awarding aid to dependent children payments, the term dependent child shall include an unborn child but only during the last three months of pregnancy. ~~children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a~~ A pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children. As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

~~(4) Notwithstanding subsection (2) of this section, commencing December 1, 1992, through June 30, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy.~~

Sec. 5. The Legislature finds that it is in the best interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget income poverty guidelines. It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 6. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall ~~provide, through rule and regulation,~~ adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under ~~section 9407, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended; or

(b) Who have income at or below one hundred fifty percent of the Office of Management and Budget ~~Budget's~~ income poverty guidelines, without regard to resources, including children up to such age as allowed under ~~section 9401, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended.

Sec. 21. The Legislature finds that welfare reform and the prevention of poverty are the responsibility of both the public and the private sectors and that low-income Nebraskans will best attain and maintain economic self-sufficiency through the job market. The Governor shall establish the Governor's Roundtable composed of current and former welfare recipients and leaders from business, industry, labor, and government. The Governor's Roundtable, in conjunction with the community colleges, state colleges, University of Nebraska, Department of Economic Development, State Department of Education, Department of Labor, Department of Revenue, and Department of Social Services, shall analyze the job needs and training needs of business, industry, and labor in Nebraska. On the basis of this analysis, the Governor's Roundtable shall recommend processes, strategies, and resources for linking the unemployed and underemployed with training or jobs that pay a living wage. The Governor's Roundtable shall also make recommendations pertaining to job creation, tax incentives, unemployment compensation, education and training programs, child care, and health care to assist low-income Nebraskans to attain and maintain economic self-sufficiency. Such recommendations, including any necessary legislation, shall be presented to the Governor and the Legislature not later than December 1 of each year.

Sec. 22. The Department of Labor shall (1) study and make recommendations on adjusting the minimum wage in Nebraska to account for increases in the cost of living, (2) catalog all existing job training resources and programs in Nebraska, and (3) study the availability of jobs in each area of the state, identify the number of jobs available, the type of jobs available, and the pay and benefits associated with the available jobs. These studies and recommendations shall be presented to the Governor's Roundtable.

Sec. 23. (1) The Legislature finds that (a) technology in delivering government assistance is rapidly changing, (b) such technology includes electronic benefit transfer systems, (c) major improvements have been made to electronic benefit transfer systems to lower costs and increase accountability, (d) such systems are being developed on the federal and nationwide levels, and (e) Nebraska should study and consider being a part of a national electronic benefit transfer system.

(2) The Governor shall appoint a task force consisting of one representative each of the Office of the Governor, the Department of Banking and Finance, the Department of Social Services, and the banking industry, two representatives of the electronic transfer system industry, three representatives of the retail grocery industry, and two persons currently receiving public assistance benefits. The chairpersons of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall also be members of the task force. The task force shall study and make recommendations for an electronic benefit transfer system to deliver the most economic method for distribution of public assistance benefits. The study and recommendations shall be presented to the Legislature on or before December 1, 1995.".

2. On page 9, line 3, strike "may", show as stricken, and insert "shall" and strike "a county or" and show as stricken; in line 5 strike "The", show as stricken, and insert "It is the intent of the Legislature that such designated counties include at least one county with a population of not more than thirty-five thousand inhabitants."; strike lines 6 through 10 and show as stricken; and in line 11 strike "may" and insert "shall".

3. On page 11, line 1, after "Reduced" insert: ",except that under the high disregards program the department shall disregard one hundred dollars plus sixty percent of the remaining monthly earned income".

4. On page 13, strike beginning with "If" in line 3 through line 6 and show the old matter as stricken.

5. On page 22, line 8, strike "previous year" and insert "two previous calendar years"; and in lines 14 and 15 strike beginning with "based" through "study" and insert "up to an amount not to exceed the seventy-fifth percentile of the market rate survey".

6. Amend the operative date and repealer provisions so that sections 1, 5, and 6 added by this amendment become operative July 1, 1995, and the other sections added by this amendment become operative on their effective date with the emergency clause.

7. Renumber the remaining sections and correct internal references accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2422

(Amendments to E & R amendments, AM7123)

1. On page 19, line 1, strike "Any", show as stricken, and insert "On and after July 1, 1997, any".

Messrs. Chambers and Wesely asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA257

(AM7123)

Page 6, strike lines 17-27 and page 7, lines 1-12.

Messrs. Chambers and Wesely asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA258

(AM7123)

Page 7, strike lines 13-25.

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA259

(AM7123)

Page 11, strike line 7.

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA260

(AM7123)

Page 8 strike lines 1-9

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA261

(AM7123)

Page 9, strike lines 26 & 27.

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA262

(AM7123)

Page 10, strike lines 8 & 9 and renumber

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA263
(AM7123)
Page 10, strike line 12.

Mr. Chambers asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

FA264
(AM7123)
Page 17, lines 19 & 20, strike new matter.

Mrs. Crosby and Mr. Landis asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2411

(Amendments to E & R amendments, AM7123)

1. Insert the following new sections:

"Sec. 19. Section 77-2715.07, Revised Statutes Supplement, 1994, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by ~~sections 77-2714 to 77-27,123~~ the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) ~~A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and~~

~~(c)~~ A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(3) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(4) There shall be allowed to any health care provider a nonrefundable credit equal to the amount of tax paid under the Health Care Provider Income Tax Act.

(5)(a) There shall be allowed to qualified resident individuals with federal adjusted gross incomes of greater than twenty-five thousand dollars a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended.

(b) There shall be allowed to qualified resident individuals with federal adjusted gross incomes of not more than twenty-five thousand dollars a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to forty percent of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal income tax liability.

Sec. 21. Original section 77-2715.07, Revised Statutes Supplement, 1994, is repealed.".

2. On page 22, line 16, strike "22" and insert "23"; and in line 17 after the period insert "Sections 19 and 21 of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1995, under the Internal Revenue Code of 1986, as amended.".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 258. Introduced by Wesely, 26.

WHEREAS, Roellyn "Lynn" Salac was a State Capitol tour guide for nearly three years; and

WHEREAS, Lynn graduated from Lincoln East High School and the University of Nebraska-Lincoln with honors; and

WHEREAS, Lynn battled a lifetime congenital heart condition with grace and dignity; and

WHEREAS, in spite of her health problems, Lynn always had a smiling face and cheerful word for visitors and employees at the State Capitol; and

WHEREAS, because of her positive attitude and friendly disposition, Lynn had many friends and supporters in the State of Nebraska; and

WHEREAS, Lynn died on Saturday, May 20, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses sympathy to the family of Roellyn Salac.
2. That a copy of this resolution be presented to her family.

Laid over.

LEGISLATIVE RESOLUTION 259. Introduced by Coordsen, 32.

WHEREAS, a team of students from Crete Elementary Schools recently received first place in the Exploravision Science Competition for the fourth-through-sixth grade division for their entry of a litmus dot on milk cartons to indicate when the contents are sour; and

WHEREAS, the team included: Chelsea Howlett, Jed Tompkins, Kari Fish, and Cory Florendo, and their teacher, Barb Kuzma; and

WHEREAS, the student members of the team, their parents, and the teacher and advisor will receive an expense-paid trip to Washington, D.C. and each student will receive a $10,000 savings bond for this national honor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the team from Crete Elementary Schools for winning this honor for themselves, their school, and the state.

Laid over.

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on Final Passage of LBs 483, 567, 581, 729, 732, 762, 264, 205, 207, and 286.

(Signed) Pat Engel

MOTION - Reconsider Action on LB 275

Mr. Will moved to reconsider the vote to return LB 275 to Select File for the Pedersen amendment, AM1854.

The Will motion to reconsider prevailed with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 392 and 394.

Enrollment and Review Change to LB 392

The following changes, required to be reported for publication in the Journal, have been made:
ER9079

1. In the Wesely amendment, AM2220:
a. Section 105 has been renumbered as section 106; and
b. On page 1, line 18 has been struck.
2. In the Standing Committee amendment, AM1754:
a. Sections 17 and 18 have been renumbered as sections 19 and 18, respectively;
b. On page 6, lines 7 and 10, "supervision" has been inserted after "intensive";
c. On page 15, line 2, "Departmental" has been inserted before "Administration";
d. On page 23, line 20, "public service" has been inserted before "commissioners";
e. On page 24, line 11, "commission" has been struck and "Public Service Commission" inserted; and in lines 19 and 25 "BOARD OF PARDONS AND" has been inserted before "BOARD".
f. On page 32, line 25, "Department" has been struck;
g. On page 44, lines 23 and 26, "federal" has been inserted before "Nursing";
h. On page 49, line 5, "years" has been inserted before the comma;
i. On page 52, line 2, ", Nebraska," has been inserted after "Lincoln"; and in lines 20 and 23 the third comma has been struck;
j. On page 56, line 27, "Medicaid" has been struck and "Medical Assistance" inserted;
k. On page 61, line 5, "8,891,261" has been struck and "8,981,261" inserted;
l. On page 62, line 6, "3,376,824" has been struck and "2,451,318" inserted;
m. On page 66, lines 18 and 19, ", which shall only be used for such purpose" has been inserted after "aid";
n. On page 70, line 5, "886,016" has been struck and "866,016" inserted;
o. On page 71, line 5, "Nebraska" has been inserted before "Brand";
p. On page 73, lines 8 and 9; page 111, lines 8 and 9; and page 150, line 6, "No." has been inserted after "Agency";
q. On page 82, line 15, "Funding" has been struck;
r. On page 88, line 17, "an estimate of" has been inserted after "program";
s. On page 98, line 2; and page 99, line 1, "commission" has been struck and "Nebraska Natural Resources Commission" inserted;

t. On page 116, line 1, "Administration" has been struck and "Enforcement of Standards - Equal Employment and Housing" inserted; and in line 20 "Agency Administration" has been struck and "Promotion and Development of the Arts" inserted;

u. On page 131, line 16, "Nebraska Telecommunications Coordinating Council's" has been struck and "of the Coordinating Council for Educational Telecommunications" has been inserted after "request";

v. On page 132, line 6, "Nebraska" has been inserted before "Community";

w. On page 137, line 18, "board members" has been struck and "members of the Public Employees Retirement Board" inserted;

x. On page 139, line 2, "Limitation" has been inserted after "Finance"; and in line 25 a comma has been inserted after "Legislature";

y. On page 142, line 2, "Commission" has been inserted after "Accountability";

z. On page 143, lines 2 and 3, "Economic Poison Administration" has been struck and "Pesticide Administrative" inserted; and the matter beginning with the second "Department" in line 21 through the comma in line 22 has been struck;

aa. On page 145, line 2, the second "Nebraska" has been struck; and in line 3 "Workers'" has been struck;

bb. On page 146, the matter beginning with the second "Real" in line 7 through the comma in line 8 has been struck;

cc. On page 147, line 18, "Revolving" has been inserted after the first "Claims";

dd. On page 148, line 2, "Board" has been inserted after the second "Review";

ee. On page 151, line 26, "and" has been inserted after the semicolon;

ff. On page 153, line 19, "Endowment" has been struck; and in line 20 the first "Endowment" has been struck;

gg. On page 154, line 7 has been struck; and in line 8 "Fund," has been struck;

hh. On page 157, line 26; and page 160, line 10, "Nebraska Cancer Research" has been struck and "Department of Health Cash" inserted;

ii. On page 158, lines 16 and 17 and 19, "Nebraska Workers'" has been struck;

jj. On page 158, line 25; and page 161, line 9, "Division of Personnel" has been struck and "Personnel Division" inserted;

kk. On page 160, line 27, "Nebraska" has been struck; and

ll. On page 161, line 1, "Workers'" has been struck; and in line 3 "Nebraska Workers'" has been struck.

3. On page 1, line 4, "to provide duties;" has been inserted after the second semicolon.

4. Other internal references have been change accordingly.

Enrollment and Review Change to LB 394

The following changes, required to be reported for publication in the Journal, have been made:
ER9087

1. In the E & R amendments, AM7162, on page 5, the paragraph beginning in line 13 through line 20 has been moved to after line 5.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2396

(Amendments to E & R amendments, AM7163)

1. Insert the following new sections:

"Sec. 6. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1)(a) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of ~~the offense of~~ unlawful possession of a firearm on school grounds. For purposes of this section, school shall mean any public or private elementary, vocational, or secondary school, community college, a public or private college, junior college, or university. Unlawful possession of a firearm on school grounds is a Class ~~IV~~ I misdemeanor.

(b) Unlawful possession of a firearm on school grounds is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of unlawful possession of a firearm on school grounds shall be consecutive to any other sentence imposed.

(c) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event while in violation of section 28-1203, 28-1204.01, 28-1205, 28-1212.02, or 28-1212.03 is guilty of reckless possession of a firearm on school grounds. Reckless possession of a firearm on school grounds is a Class IV felony.

(d) Reckless possession of a firearm on school grounds is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of reckless possession of a firearm on school grounds shall be consecutive to any other sentence imposed.

(e) This subsection shall not apply to ~~(a)~~ (i) the issuance of ~~firearms~~ a firearm to or possession by ~~members~~ a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or a peace ~~officers~~ officer or other duly authorized law enforcement

~~officers when~~ officer while on duty or training, ~~(b)firearms~~ (ii) a firearm which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, (iii) a firearm lawfully possessed by a person in accordance with a contract entered into between the person and the school, and the person's employer, if applicable, (iv) the lawful possession of an unloaded firearm by a person while traversing school grounds in order to gain access to public or private lands open to hunting, if the entry on school grounds is authorized by school authorities, or ~~(c) firearms~~ (v) a firearm contained within a private vehicle operated by a nonstudent adult which ~~are~~ is not loaded and ~~(i) are~~ (A) is encased or ~~(ii) are~~ (B) is in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the

owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 30. Sections 30 to 37 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 31. (1) Any person who knowingly possesses a firearm in a gun-free school zone is guilty of endangerment of youth in a gun-free school zone. For purposes of the Gun-Free School Zone Act, gun-free school zone shall mean the area within one thousand feet from the real property comprising a public or private elementary, vocational, or secondary school.

(2) Endangerment of youth in a gun-free school zone is a Class I misdemeanor.

Sec. 32. Section 31 of this act shall not apply to (1) a firearm lawfully possessed in a private home or private business or on private property which is not a part of the grounds of a school, (2) a firearm in a legally established gun dealership located in the gun-free school zone, (3) the issuance of a firearm to or the possession of a firearm by a member of the armed forces of the United States, active or reserve, the National Guard of this state, the Reserve Officers Training Corps, or any peace officer or other duly authorized law enforcement officer when on duty or training, (4) the possession and use of a firearm by a person lawfully hunting or target shooting, (5) the possession and use of a firearm on land managed by the Board of Educational Lands and Funds by the lessee of such land or by a person with the express permission of the board, (6) a firearm on display or being brought or donated for display in a recognized museum, (7) a firearm lawfully possessed by a person for use in a program approved by the school in the gun-free school zone and under the immediate supervision of an adult instructor, (8) a firearm lawfully possessed by a person who is a resident of the gun-free school zone while the person is transporting the firearm to or from a private motor vehicle to or from his or her residence, (9) a firearm lawfully possessed by a person in accordance with a contract entered into between the person and the school in the gun-free school zone, and the person's employer, if applicable, (10) the lawful possession of an unloaded firearm by a person while traversing the gun-free school zone in order to gain access to public or private lands open to hunting, if the entry into the gun-free school zone is authorized by school authorities of the school or schools in the gun-free school zone, or (11) a firearm lawfully contained within a private motor vehicle which is not loaded and which is (a) encased or is (b) in a locked firearm rack that is attached to the motor vehicle. For purposes of this section, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

Sec. 33. The gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected.

Sec. 34. (1) Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated without warrant by a peace officer.

(2) Any firearm confiscated by a peace officer pursuant to subsection (1) of this section is a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold the firearm for as long as the firearm is needed for evidence. After the firearm is no longer needed as evidence it shall be disposed of as directed by the county court.

(3) Whenever a firearm is confiscated and held pursuant to this section, the peace officer who confiscated the firearm shall file within ten days after the confiscation a petition for the destruction of the firearm. The petition shall be filed in the county court of the county in which the confiscation occurred. The petition shall describe the firearm, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction as directed by the county court. At any time after the confiscation of the firearm and prior to court-ordered disposition, the owner of the firearm may petition the county court for possession of the firearm. The county court shall release the firearm to the owner only if the claim of ownership can reasonably be shown to be true and (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of endangerment of youth in a gun-free school zone.

(4) No confiscated firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a confiscated

firearm has significant antique value or historical significance, it shall be turned over to the Nebraska State Historical Society.

Sec. 35. Endangerment of youth in a gun-free school zone is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of endangerment of youth in a gun-free school zone shall be consecutive to any other sentence imposed.

Sec. 36. (1) A person in violation of section 28-1203, 28-1204.01, 28-1205, 28-1212.02, or 28-1212.03 in a gun-free school zone is guilty of reckless endangerment of youth in a gun-free school zone.

(2) Reckless endangerment of youth in a gun-free school zone is a Class IV felony.

Sec. 37. Reckless endangerment of youth in a gun-free school zone is a separate and distinct offense from any other offense being committed concurrently. A sentence imposed for the offense of reckless endangerment of youth in a gun-free school zone shall be consecutive to any other sentence imposed.".

2. On page 1, line 6, strike "and 28" and insert "28, and 30 to 37".

3. On page 31, line 27, after the last comma insert "28-1204.04,".

4. On page 32, line 7, after the third comma insert "28-1204.04,".

5. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM2421

1. Insert the following new section:

"Section 1. Section 77-2734.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2734.02. (1) ~~A~~ For all taxable years beginning before January 1, 1997, under the Internal Revenue Code of 1986, as amended, a tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars. For all taxable years beginning on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended, a tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty-two and nine-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred thirteen and nine-tenths percent of such rate on all taxable income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.".

2. On page 3, line 11, strike "section" and insert "sections 77-2734.02 and"; and in line 12 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM1700

1. Insert the following new section:

"Section 1. Section 77-2716, Revised Statutes Supplement, 1994, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which

are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) There shall be subtracted from federal adjusted gross income for resident individuals for all taxable years beginning on or after January 1, 1995, and before January 1, 1996, under the Internal Revenue code of 1986, as amended, one-third of all income derived from sources in another state or the District of Columbia which is not taxable in the other state or the District of Columbia.

(b) There shall be subtracted from federal adjusted gross income for resident individuals for all taxable years beginning on or after January 1, 1996, and before January 1, 1997, under the Internal Revenue Code of 1986, as amended, two-thirds of all income derived from sources in another state or the District of Columbia which is not taxable in the other state or the District of Columbia.

(c) There shall be subtracted from federal adjusted gross income for resident individuals for all taxable years beginning on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended, all income derived from sources in another state or the District of Columbia which is not taxable in the other state or the District of Columbia.".

2. On page 3, line 12, strike "is" and insert "and section 77-2716, Revised Statutes Supplement, 1994, are".

3. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM1724

1. On page 2, lines 17 and 20, strike "1995" and insert "1997"; in lines 20 and 26 strike "1996" and insert "1998"; and in line 26 strike "1997" and insert "1999".

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 658. Mrs. Crosby withdrew her motion, found in the Journal on page 2030, to indefinitely postpone.

Mrs. Bohlke moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2385 to LB 658.

Mr. Chambers moved to bracket LB 658 until June 8, 1995.

Mr. Withem offered the following amendment to the Chambers pending motion to bracket:

FA265

Amend Chambers motion to May 23.

Mr. Wickersham asked unanimous consent to be excused. No objections. So ordered.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

PRESIDENT ROBAK PRESIDING

The Withem amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to bracket, as amended, prevailed with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 325A.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2376

(Amendments to E & R amendments, AM7156)

1. On page 28, after line 4, insert

"(3) In determining whether or not the issuance of the license is in the public interest, the commission shall find, at a minimum, that the establishment of a controlled shooting area:

(a) Will not create a threat of harm to adjoining landowners and their property;

(b) Will not interfere with adjoining landowners' quiet enjoyment of their property; and

(c) Will not interfere with future development and expansion.".

2. On page 34, line 27, before "violation" insert "second".

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2368

(Amendments to E & R amendments, AM7156)

1. On page 27, line 26, strike "and (f)" and insert "(f) the area will not interfere with normal activities of migratory birds, and (g)".

2. On page 32, line 24, strike "or" and insert an underscored comma; and in line 27 after "boundary" insert ", or (c) the boundary of the area lies within two miles of a game reserve, bird refuge, wild fowl sanctuary, or reservation as established by the commission".

Mr. Preister asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2409

(Amendments to E & R amendments, AM7156)

1. On page 28, after line 4, insert

"(3) In determining whether or not the issuance of the license is in the public interest, the commission shall find, at a minimum, that the establishment of a controlled shooting area:

(a) Will not create a threat of harm to adjoining landowners and their property;

(b) Will not interfere with adjoining landowners' quiet enjoyment of their property; and

(c) Will not interfere with future development and expansion.".

Mrs. Witek asked unanimous consent to print the following amendment to LB 860 in the Journal. No objections. So ordered.

AM1925

(Amendments to Final Reading copy)

1. On page 5, line 9, after "sections" insert ". Expenses which have been incurred prior to the effective date of this act to meet this goal for school districts and affiliated school systems which have a direct connection to the statewide public computer information network which was made prior to such date shall be reimbursed, upon application of the school district or affiliated school system, under this subsection, section 79-2225, section 2 of this act, or any combination of such subsection and sections".

2. On page 8, line 24, after the period insert "Expenses which have been incurred prior to the effective date of this act for such connection for school districts or affiliated school systems which have a direct connection to the statewide public computer information network which was made prior to such date shall be reimbursed, upon application of the school district or affiliated school system, under this subsection, section 79-2225, section 2 of this act, or any combination of such subsection and sections.".

3. On page 9, line 5, after "network" insert "and the reimbursement of expenses which have been incurred prior to the effective date of this act for such connection to school districts or affiliated school systems which have a direct connection to a public computer information network which was made prior to such date".

SELECT FILE

LEGISLATIVE BILL 742. The McKenzie pending amendment, AM2114, found in the Journal on page 2126 and considered on page 2218, as amended, was renewed.

Mr. Bromm and Mrs. Bohlke asked unanimous consent to replace their pending amendment, AM2173, found in the Journal on page 2148, with a substitute amendment. No objections. So ordered.

Mr. Bromm and Mrs. Bohlke withdrew their amendment, AM2173, found in the Journal on page 2148.

Mr. Bromm and Mrs. Bohlke offered the following substitute amendment to the McKenzie pending amendment:
AM2415

(Amendments to AM2114)

1. Strike section 8 and insert the following new sections:

"Sec. 8. For fiscal year 1996-97, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3325, 79-3332, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections in fiscal year 1995-96, excluding any deficiency appropriations in fiscal year 1995-96. Beginning in fiscal year 1997-98 and each fiscal year thereafter, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3322, 79-3325, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections for the previous fiscal year, multiplied by one plus a rate not to exceed the allowable growth range pursuant to section 79-3816.

Sec. 11. The State Board of Education, with the assistance of the State Department of Education, shall provide a process for the waiver of rules and regulations adopted and promulgated under Chapter 79 as such rules and regulations relate to special education programs and support services related to special education. Such waiver shall not apply to any requirements subject to federal laws or federal rules and regulations. Any entity subject to state rules and regulations for special education may apply for a waiver of such rules and regulations each year until August 31, 1998. To the extent practicable, the State Board of Education shall grant or deny a waiver request at the next regularly scheduled meeting of the board following receipt of the written waiver request. The waiver process shall be studied for effectiveness by the State Board of Education, and the board shall provide a report to the Education Committee of the Legislature in January of 1998.

The board may grant a waiver to the rules and regulations if the process set out by the department is followed.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Dierks, Hall, Schrock, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens requested a division of the question on the Bromm-Bohlke amendment.

The Chair sustained the division of the question.

The first Bromm-Bohlke amendment to the McKenzie pending amendment is as follows:
FA266

(Amendments to AM2114)

1. Strike section 8 and insert the following new sections:

"Sec. 8. For fiscal year 1996-97, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3325, 79-3332, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections in fiscal year 1995-96, excluding any deficiency appropriations in fiscal year 1995-96. Beginning in fiscal year 1997-98 and each fiscal year thereafter, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3322, 79-3325, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections for the previous fiscal year, multiplied by one plus a rate not to exceed the allowable growth range pursuant to section 79-3816.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Bernard-Stevens requested a roll call vote on the first Bromm-Bohlke amendment.

Voting in the affirmative, 28:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Elmer
Engel
Hall

Hartnett
Hudkins
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Robak
Schimek
Schmitt
Warner
Wehrbein
Wesely
Will
Witek

Voting in the negative, 7:

Crosby
Janssen
Lynch
Robinson
Stuhr
Vrtiska
Withem

Present and not voting, 6:

Avery
Bernard-Stevens
Chambers
Cudaback
Dierks
Fisher

Excused and not voting, 8:

Abboud
Hillman
Landis
Pedersen
Preister
Schellpeper
Schrock
Wickersham

The first Bromm-Bohlke amendment was adopted with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens moved to reconsider the adoption of the Bromm-Bohlke amendment, FA266, to the McKenzie amendment, AM2415, to LB 742.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

AM2380

(Amendments to E & R amendments, AM7139)

1. Strike the original sections and all amendments thereto and insert the following sections:

"Section 1. The Legislature finds and declares that the potential impoundment of a motor vehicle operator's license for failure to pay child, spousal, and medical support is an effective technique for the enforcement of support orders, particularly for non-wage-earning and self-employed license holders who are not in compliance with such orders. It is the intent of the Legislature:

(1) To encourage the use of proven techniques for the enforcement of support orders;

(2) To encourage such license holders to comply with

their legal obligations and to add to the tools available for the enforcement of support and visitation orders; and

(3) That the Department of Social Services communicate to individuals, who are not in compliance with a support order, the potential for impoundment of their motor vehicle operator's license under section 2 of this act.

Sec. 2. In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child, the court in enforcing its support order may use its contempt powers. Such contempt powers include ordering the impounding of a motor vehicle operator's license as specified by the court and ordering that the license holder not operate a motor vehicle during the period of impoundment. An abstract of the court record impounding a motor vehicle operator's license under this section shall be transmitted to the Department of Motor Vehicles.

Sec. 3. Section 42-364.15, Reissue Revised Statutes of Nebraska, is amended to read:

~~42-364.15.~~ In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child and in the same proceeding has ordered visitation with any minor child on behalf of such parent the court shall enforce its visitation orders as follows:

(1) Upon the filing of a motion which is accompanied by an affidavit stating that either parent has unreasonably withheld or interfered with the exercise of the court order after notice to the parent and hearing, the court shall enter such orders as are reasonably necessary to enforce rights of either parent, including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. Such contempt powers include ordering the impounding of a motor vehicle operator's license as specified by the court and ordering that the license holder not operate a motor vehicle during the period of impoundment. An abstract of the court record impounding a motor vehicle operator's license under this section shall be transmitted to the Department of Motor Vehicles. The court may require either parent to file a bond or otherwise give security to insure his or her compliance with court order provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section.

Sec. 4. Original section 42-364.15, Reissue Revised Statutes of Nebraska, is repealed.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

AM2430

(Amendments to E & R amendments, AM7123)

1. On page 10, strike beginning with "Cap" in line 8 through "(l)" in line 10; in line 12 strike "(m)" and insert "(l)"; in line 13 strike "(n)" and insert "(m)"; in line 15 strike "(o)" and insert "(n)" in line 17 strike "(p)" and insert "(o)"; in line 19 strike "(q)" and insert "(p)"; in line 21 strike "(r)" and insert "(q)"; in line 23 strike "(s)" and insert "(r)"; and in line 27 strike "(t)" and insert "(s)".

2. On page 11, line 2, strike "(u)" and insert "(t)"; in line 4 strike "(v)" and insert "(u)"; in line 7 strike "(w)" and insert "(v)"; in line 8 strike "(x)" and insert "(w)"; and in line 10 strike "(y)" and insert "(x)".

3. On page 19, line 3, after "that" insert "(i)"; and in line 6 after "payment" insert "and (ii) in lieu of an increased cash assistance payment, a voucher in an equivalent amount shall be provided and may be used only to pay for particular goods and services specified by the department as suitable for the care of the child or children. The Department of Social Services shall submit a waiver request to the United States Department of Health and Human Services as necessary for federal authorization to implement the provisions of subdivision (b)(ii) of this subsection".

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn to 8:30 a.m., May 23, 1995. The motion lost with 13 ayes, 13 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 742. The Bernard-Stevens pending motion, found in this day's Journal, to reconsider the adoption of the Bromm-Bohlke amendment, FA266, to the McKenzie amendment, AM2415, was renewed.

Pending.

MOTION - Adjournment

Mr. Will moved to adjourn until Tuesday, May 23, 1995, at 8:30 a.m.

Mr. Bromm moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Will motion to adjourn.

Voting in the affirmative, 16:

Crosby
Cudaback
Day
Elmer
Engel
Hartnett
Janssen
Kristensen
Lynch
Robak
Schimek
Vrtiska
Wehrbein
Wesely
Will
Withem

Voting in the negative, 16:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Fisher
Hall
Hudkins
Jensen
Jones
Matzke
Pirsch
Schmitt
Warner
Witek

Present and not voting, 9:

Avery
Bernard-Stevens
Chambers
Dierks
Lindsay
Maurstad
McKenzie
Robinson
Stuhr

Excused and not voting, 8:

Abboud
Hillman
Landis
Pedersen
Preister
Schellpeper
Schrock
Wickersham

The Will motion to adjourn lost with 16 ayes, 16 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Lynch and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

MOTION - Reconsider Action on Motion to Adjourn

Mr. Bernard-Stevens moved to reconsider the Will motion to adjourn.

Pending.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Holling Heights, Omaha; seven fifth through eighth grade students and teachers from Brady; and 30 seventh and eighth grade students and sponsors from Zion Lutheran School, Pierce.

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn to 8:15 a.m., Tuesday, May 23, 1995. The motion prevailed, and at 9:55 p.m., the Legislature adjourned until 8:15 a.m., Tuesday, May 23, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FOURTH DAY - MAY 23, 1995

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 23, 1995

Pursuant to adjournment, the Legislature met at 8:18 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rabbi Stanley Rosenbaum, Tifereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Wickersham who were excused; and Messrs. Abboud, Bromm, Coordsen, Engel, Landis, Lindsay, Robinson, Wehrbein, Will, Withem, Mmes. Bohlke, Brown, McKenzie, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schrock asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM2288

(Amendments to E & R amendments, AM7156)

1. On page 35, lines 2 and 4, reinstate the stricken "may"; and in lines 3 and 4 strike "shall".

GENERAL FILE

LEGISLATIVE BILL 886. Title read. Considered.

Standing Committee amendment, AM1606, printed separately from the Journal and referred to on page 1730, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2429.)

Pending.

SELECT FILE

LEGISLATIVE BILL 455. E & R amendment, AM7123, printed separately from the Journal and referred to on page 1809, was adopted.

Mr. Wehrbein offered the following amendment:
FA269
Amend Sect 16, AM1397
Line 7 after the period, strike, 'The department shall adjust the reimbursement rate for child care every second year beginning July 1, 1997, based on the results of the study.'

Mr. Wehrbein asked unanimous consent to replace his pending amendment, FA269, with a substitute amendment.

Mr. Chambers objected.

Mr. Wehrbein moved to replace his pending amendment, FA269, with a substitute amendment.

MR. BERNARD-STEVENS PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones

Kristensen
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Warner
Wehrbein
Wesely
Witek

Voting in the negative, 3:

Bernard-Stevens
Chambers
Hall

Present and not voting, 6:

Crosby
Dierks
Hartnett
Robak
Schimek
Stuhr

Absent and not voting, 1:

Cudaback

Excused and not voting, 9:

Abboud
Hillman
Landis
Lindsay
McKenzie
Vrtiska
Wickersham
Will
Withem

The motion to cease debate prevailed with 30 ayes, 3 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Wehrbein motion to replace his amendment with a substitute amendment prevailed with 31 ayes, 3 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Wehrbein withdrew his amendment, FA269, found in the Journal on page 2437.

The Chair declared the call raised.

Mrs. Bohlke renewed her pending substitute amendment, AM2405, found in the Journal on page 2408.

Mr. Hall requested a division of the question on the Bohlke amendment.

The Chair sustained the division of the question.

Messrs. Hartnett, Janssen, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

The first Bohlke amendment is as follows:
FA270

(Amendments to E & R amendments, AM7123)

and in lines 14 and 15 strike beginning with "based" through "study" and insert "up to an amount not to exceed the seventy-fifth percentile of the market rate

13 survey".

Mr. Chambers offered the following amendment to the first Bohlke pending amendment:
FA279
Amend FA270
Journal page 2411, in the second line 12, strike "to exceed" and insert "less than"

Messrs. Lynch and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Wehrbein requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 10:

Avery
Bernard-Stevens
Chambers
Crosby
Day
Hall
Lindsay
Preister
Robak
Schimek

Voting in the negative, 24:

Beutler
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Elmer
Engel
Fisher
Hudkins
Jensen
Kristensen
Matzke
Maurstad
Pedersen
Pirsch
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek

Present and not voting, 2:

Brown
Dierks

Excused and not voting, 13:

Abboud
Hartnett
Hillman
Janssen
Jones
Landis
Lynch
McKenzie
Robinson
Schmitt
Wickersham
Will
Withem

The Chambers amendment lost with 10 ayes, 24 nays, 2 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wesely, Wehrbein, Maurstad, Beutler, Mmes. Brown, Bohlke, and Ms. Schimek offered the following amendment to the first Bohlke pending amendment:
FA280

Amendment to AM2405, Item 9 (FA270)

strike the new language beginning with "up" in line 11 through "survey" in line 13 and insert the following new language "at a rate not less than the 60th percentile and not to exceed the 75th percentile of the current market rate survey"

Messrs. Kristensen, Elmer, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on the Wesely et al. amendment.

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Hudkins
Janssen
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely

Voting in the negative, 5:

Fisher
Hall
Lindsay
Pirsch
Witek

Present and not voting, 2:

Chambers
Jensen

Excused and not voting, 14:

Abboud
Elmer
Hartnett
Hillman
Jones
Kristensen
Landis
Lynch
McKenzie
Schmitt
Vrtiska
Wickersham
Will
Withem

The Wesely et al. amendment was adopted with 28 ayes, 5 nays, 2 present and not voting, and 14 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendments to LB 371 in the Journal. No objections. So ordered.

(1)

AM2445

(Amendments to E & R amendments, AM7163)

1. On page 9, strike beginning with the comma in line 15 through the comma in line 16; and in line 17 strike "misdemeanor or".

(2)

AM2449

(Amendments to E & R amendments, AM7163)

1. On page 23, line 15, strike "or" and insert "and".

(3)

AM2448

(Amendments to E & R amendments, AM7163)

1. On page 11, line 19, strike "ID" and insert "III".

(4)

AM2446

(Amendments to E & R amendments, AM7163)

1. On page 10, line 10, strike "ID" and insert "II".

(5)

AM2447

(Amendments to E & R amendments, AM7163)

1. On page 10, line 18, before the first "or" insert ",knife,"; and in line 19 after "knuckles" insert "or any other deadly weapon".

2. On page 11, line 2, strike "ID" and insert "III".

(6)

AM2444

(Amendments to E & R amendments, AM7163)

1. Strike section 28.

2. On page 1, lines 5 and 6, strike ", 25, and 28" and insert "and 25".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 28 sixth grade students and sponsor from St. Philip Neri School, Omaha; 53 fourth grade students and teachers from Mount View Elementary, Omaha; and 39 fourth grade students and sponsors from Northern Hills Elementary, Norfolk.

RECESS

At 11:59 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Wickersham who were excused; and Messrs. Abboud, Jensen, Kristensen, Landis, Lindsay, Lynch, Pedersen, Robinson, Schmitt, Vrtiska, Will, and Ms. Day who were excused until they arrive.

MR. MAURSTAD PRESIDING

MR. BERNARD-STEVENS PRESIDING

SELECT FILE

LEGISLATIVE BILL 455. The first Bohlke pending amendment, FA270, found in the Journal on page 2438, as amended, was renewed.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on the first Bohlke amendment, as amended.

Voting in the affirmative, 32:

Avery

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Matzke
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Hall
Pirsch

Excused and not voting, 14:

Abboud
Day
Hillman
Jensen
Kristensen
Landis
Lindsay
Lynch
Pedersen
Robinson
Schmitt
Vrtiska
Wickersham
Will

The first Bohlke amendment, as amended, was adopted with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

The second Bohlke amendment is as follows:
FA271

(Amendments to E & R amendments, AM7123)

1. Strike section 1 and all amendments thereto and insert the following new sections:

"Section 1. Section 43-504, Reissue Revised Statutes of Nebraska, is amended to read:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county social services agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified in this subsection at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) ~~In~~ Except as provided in subdivision (2)(b) of section 68-1724, in awarding aid to dependent children payments, the term dependent child shall include an unborn child but only during the last three months of pregnancy. ~~children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a~~ A pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children. As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

~~(4) Notwithstanding subsection (2) of this section, commencing December 1, 1992, through June 30, 1995, in awarding aid to dependent children payments, the term dependent child shall include an unborn child, but only during the last three months of pregnancy.~~

Sec. 5. The Legislature finds that it is in the best interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget income poverty guidelines. It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 6. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall ~~provide, through rule and regulation,~~ adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under ~~section 9407, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended; or

(b) Who have income at or below one hundred fifty percent of the Office of Management and Budget ~~Budget's~~ income poverty guidelines, without regard to resources, including children up to such age as allowed under ~~section 9401, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended.

6. Amend the operative date and repealer provisions so that sections 1, 5, and 6 added by this amendment become operative July 1, 1995, and the other sections added by this amendment become operative on their effective date with the emergency clause.

Mr. Dierks offered the following amendment to the second Bohlke pending amendment:
AM2464

(Amendments to AM2405 (FA271))

1. On page 1, line 1, strike "section 1" and insert "sections 1 and 13".

2. Insert the following new section:

"Sec. 16. Section 68-1724, Revised Statutes Supplement, 1994, is amended to read:

68-1724. (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of two years for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the two-year time limit established in this section shall be extended for an additional period of not more than two years;

(b) The two-year time period for cash assistance shall begin when the self-sufficiency contract is signed or when any children born into the recipient family prior to the initial ten months of assistance reach the age of six months, whichever is later;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between the recipient family and the state which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months. A recipient family may be required to contribute up to twenty percent of such family's gross income for child care. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available;

(d) After receiving cash assistance under this section for two years at a monthly payment level not exceeding that provided in section 43-512, families shall receive no further cash assistance pursuant to this section for at least two years after the assistance period ends; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is no job available for adult members of the recipient family. It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance. For purposes of this section, extreme hardship means a recipient family does not have adequate cash resources to meet the costs of the basic needs of food, clothing, and housing without continuing assistance or the child or children are at risk of losing care by and residence with their parent or parents.

(2) Cash assistance conditions under the Welfare Reform Act shall be as follows:

(a) Adults in recipient families shall mean individuals at least nineteen years of age living with and related to a child eighteen years of age or younger and shall include parents, siblings, uncles, aunts, cousins, or grandparents, whether the relationship is biological, adoptive, or step;

(b) The payment standard shall be based upon family size. ~~Any~~ On and after July 1, 1997, any child born into the recipient family after the initial ten months of participation in the program shall not increase the cash assistance payment, except that child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment;

(c) The adults in the recipient family shall ensure that the minor children regularly attend school. Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the parent or parents have failed to take reasonable action to encourage the minor children of the recipient family ages sixteen and under to regularly attend school. No reduction of assistance shall be such as may result in extreme hardship. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance;

(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

(e) For minor parents, the assistance payment shall be based on the minor parent's income. If the minor parent lives with at least one parent, the family's income shall be considered in determining eligibility and cash assistance payment levels for the minor parent. If the minor parent lives independently, support shall be pursued from the parents of the minor parent. If the absent parent of the minor's child is a minor, support from his or her parents shall be pursued. Support from parents as allowed under this subdivision shall not be pursued when the family income is less than three hundred percent of the federal poverty guidelines; and

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.".

3. Amend the operative date and repealer provisions so that section 16 added by this amendment becomes operative on its effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

Mrs. Pirsch requested a ruling of the Chair on whether the Dierks amendment is germane to the second Bohlke pending amendment.

The Chair ruled the Dierks amendment is germane to the second Bohlke pending amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

Avery
Bernard-Stevens
Brashear
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hudkins
Landis
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Schimek
Schrock
Stuhr
Will

Voting in the negative, 13:

Beutler
Bohlke
Brown
Day
Elmer
Fisher
Jensen
Matzke
Pirsch
Warner
Wehrbein
Wesely
Witek

Present and not voting, 7:

Bromm
Janssen
Jones
Lindsay
Schellpeper
Schmitt
Withem

Absent and not voting, 1:

Hall

Excused and not voting, 6:

Abboud
Hillman
Kristensen
Robinson
Vrtiska
Wickersham

The Dierks amendment lost with 22 ayes, 13 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay offered the following amendment to the second Bohlke pending amendment:
AM2463

(Amendments to AM2405 (FA271))

1. On page 1, line 1, strike "section 1" and insert "sections 1, 8, and 13".

2. Insert the following new sections:

"Sec. 11. Section 68-1713, Revised Statutes Supplement, 1994, is amended to read:

68-1713. (1) The Department of Social Services shall submit a waiver request or requests to the United States Department of Health and Human Services and the United States Department of Agriculture as necessary for federal authorization to implement the provisions of the Welfare Reform Act. The Department of Social Services may include the provisions of sections 68-1718 to 68-1726 in its waiver requests and may designate a county or counties for implementation on or after July 1, 1995, of such sections for recipient families in the aid to dependent children program. The department shall not implement any waiver approved under this section until the provisions of the waiver as approved by the United States Department of Health and Human Services or the United States Department of Agriculture have been presented to and approved by the Legislature.

The Department of Social Services may implement the waivers approved by the United States Department of Health and Human Services or the United States Department of Agriculture, which waivers are entitled:

(a) Permit Work Experience in Private for Profit Enterprises;

(b) Permit Job Search to Extend Beyond Eight Weeks Each Year;

(c) Permit Employment to be Considered a JOBS Program Component;

(d) Make Sanctions More Stringent to Emphasize Participant Obligations;

(e) Alternative Hearing Process;

(f) Permit Adults in Two-Parent Households to Participate in JOBS Activities Based on Their Self-Sufficiency Needs;

(g) Eliminate Exemptions for Individuals with Children Between the Ages of 12 Weeks and Age Six;

(h) Providing Poor Working Families with Transitional Child Care to Ease the Transition from Welfare to Self-Sufficiency;

(i) Require Adults in the Recipient Family to Complete and Comply with Self-Sufficiency Contracts Even Where They Do Not Have Parental Responsibility and File Only for the Children;

(j) Provide Transitional Health Care for 24 Months After

Termination of ADC;

(k) Require Adults to Ensure that Children in the Family Unit Attend School;

(l) Encourage Minor Parents to Live with Their Parents;

(m) Establish a Resource Limit of $5,000 for ADC Entitlement;

(n) Exclude the Value of One Vehicle Per Family When Determining ADC Eligibility;

(o) Exclude the Cash Value of Life Insurance Policies in Calculating Resources for ADC;

(p) Permit the Self-Sufficiency Contract Assessment to Substitute for the Six-Month ADC Redetermination Process;

(q) Establish Food Stamps as a Continuous Benefit with Eligibility Reevaluated with Yearly Redeterminations;

(r) Permit Nebraska to Establish Lower Payment Levels than the Payment Levels in Effect on May 1, 1988, for Those Families Which Elect to Receive Benefits under the Time-Limited ADC, High Disregards Program;

(s) Permit ADC Parents to Keep More of Their Earnings Before Their Welfare Grants are Reduced;

(t) Disregard Financial Assistance Received Intended for Books, Tuition, or Other Self-Sufficiency Related Use;

(u) Culture: Eliminate the 100-Hour Rule, The Quarter of Work Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP Eligibility;

(v) Make ADC a Time-Limited Program;

(w) Eliminate Self-Initiated Training as a JOBS Option; and

(x) Other Waivers: Statewide Operation of the Demonstration Project.

~~Before the approved waiver is submitted to the Legislature for approval, the department shall also submit to the Legislature specific and detailed guidelines and standards which it will utilize to carry out the purposes of the act concerning the following areas:~~

~~(a) What items will comprise the self-sufficiency contract for purposes of section 68-1719;~~

~~(b) What standards will be used to determine whether the recipient is complying with the terms of the self-sufficiency contract for purposes of subdivision (3)(b) of section 68-1723;~~

~~(c) A definition of self-sufficiency;~~

~~(d) The definition of job for purposes of subdivision (1)(e) of section 68-1724;~~

~~(e) What will be considered extreme hardship for purposes of subdivision (1)(e) of section 68-1724;~~

~~(f) What will be considered the state not carrying out its responsibility under the self-sufficiency contract for purposes of subdivision (1)(a) of section 68-1724;~~

~~(g) Analysis of mediation or contract dispute resolution,~~

~~including an independent process that could be utilized by the department, who will provide such services, and what standards will be utilized for mediation or contract dispute resolution;~~

~~(h) The elements which will be used in the assessment under section 68-1718;~~

~~(i) What benchmarks and standards will be used to analyze family outcomes related to economic self-sufficiency as required by section 68-1716;~~

~~(j) What elements will be considered in determining whether an adult fails to cooperate in carrying out the terms of the contract for purposes of subsection (2) of section 68-1723;~~

~~(k) Jobs availability information reflecting the report from the Governor's Roundtable. Such information shall include the location of available jobs, the type of jobs available, and the levels of pay and benefits;~~

~~(l) What transitional health coverage shall consist of, whom it will include, and what the sliding-fee schedule shall consist of; and~~

~~(m) A description of the child-care subsidy sliding-fee scale.~~

At the end of the first year of implementation, the department shall identify any adjustments or adaptations that may be needed before the waivers are implemented in other areas of the state. Such review shall include an evaluation of the impact of subdivisions (2)(b) and (c) of section 68-1724. The department shall implement the approved waivers in additional counties as necessary to complete statewide implementation. If federal waiver approval of one or more provisions of the ~~act~~ Welfare Reform Act is granted, the department may implement the provision or provisions, in accordance with federal approval.

(2) The Department of Social Services shall (a) apply for a waiver to allow for a sliding-fee schedule for the population served by the caretaker relative program or (b) pursue other public or private mechanisms, to provide for transitional health care benefits to individuals and families who do not qualify for cash assistance. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available.

For purposes of this section, approved by the Legislature shall mean the introduction, consideration, and enactment of legislation.

Sec. 16. Section 68-1724, Revised Statutes Supplement, 1994, is amended to read:

68-1724. (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of two years for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the two-year time limit established in this section shall be extended for an additional period of not more than two years;

(b) The two-year time period for cash assistance shall begin when the self-sufficiency contract is signed or when any children born into the recipient family prior to the initial ten months of assistance reach the age of six months, whichever is later;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between the recipient family and the state which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months. A recipient family may be required to contribute up to twenty percent of such family's gross income for child care. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available;

(d) After receiving cash assistance under this section for two years at a monthly payment level not exceeding that provided in section 43-512, families shall receive no further cash assistance pursuant to this section for at least two years after the assistance period ends; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is no job available for adult members of the recipient family. It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance. For purposes of this section, extreme hardship means a recipient family does not have adequate cash resources to meet the costs of the basic needs of food, clothing, and housing without continuing assistance or the child or children are at risk of losing care by and residence with their parent or parents.

(2) Cash assistance conditions under the Welfare Reform Act shall be as follows:

(a) Adults in recipient families shall mean individuals at least nineteen years of age living with and related to a child eighteen years of age or younger and shall include parents, siblings, uncles, aunts, cousins, or grandparents, whether the relationship is biological, adoptive, or step;

(b) The payment standard shall be based upon family size. Any child born into the recipient family after the initial ten months of participation in the program shall not increase the cash assistance payment, except that (i) child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment and (ii) in lieu of an increased cash assistance payment, a voucher in an equivalent amount shall be provided and may be used only to pay for particular goods and services specified by the department as suitable for the care of the child or children. The Department of Social Services shall submit a waiver request to the United States Department of Health and Human Services as necessary for federal authorization to implement the provisions of subdivision (b)(ii) of this subsection;

(c) The adults in the recipient family shall ensure that the minor children regularly attend school. Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the parent or parents have failed to take reasonable action to encourage the minor children of the recipient family ages sixteen and under to regularly attend school. No reduction of assistance shall be such as may result in extreme hardship. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance;

(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

(e) For minor parents, the assistance payment shall be based on the minor parent's income. If the minor parent lives with at least one parent, the family's income shall be considered in determining eligibility and cash assistance payment levels for the minor parent. If the minor parent lives independently, support shall be pursued from the parents of the minor parent. If the absent parent of the minor's child is a minor, support from his or her parents shall be pursued. Support from parents as allowed under this subdivision shall not be pursued when the family income is less than three hundred percent of the federal poverty guidelines; and

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.".

3. Amend the operative date and repealer provision so that sections 11 and 16 added by this amendment become operative on their effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 1 nay, and 32 not voting.

Mr. Lindsay withdrew his amendment.

Mr. Lindsay moved to reconsider the vote on the Dierks amendment, AM2464, to FA271.

MR. WILL PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Wesely requested a roll call vote on the Lindsay motion to reconsider.

Voting in the affirmative, 25:

Avery
Bernard-Stevens
Brashear
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hall
Hartnett
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Schimek
Schmitt
Schrock
Stuhr
Will
Withem

Voting in the negative, 15:

Beutler
Bohlke
Brown
Day
Elmer
Fisher
Hudkins
Janssen
Jensen
Matzke
Pirsch
Robinson
Wehrbein
Wesely
Witek

Present and not voting, 4:

Bromm	Jones	Kristensen	Schellpeper

Absent and not voting, 1:

Warner

Excused and not voting, 4:

Abboud	Hillman	Vrtiska	Wickersham

The Lindsay motion to reconsider prevailed with 25 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

May 23, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 499, 699, 739, 805, 856, 140, 438, 438A, 459, 473, 393, and 395 were received in my office on May 17, 1995.

These bills were signed by me on May 23, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Cudaback asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2467

(Amendments to the E & R amendments, AM7163)

1. Insert the following new section:

"Sec. 29. Section 83-925.07, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement. ~~in a city of the metropolitan class.~~ A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1996. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions~~. A~~ and a residential evaluation program shall be established. ~~in a city of the metropolitan class;~~

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.".

2. On page 31, line 26, strike "and 83-4,114.01" and insert "83-4,114.01, and 83-925.07".

3. Renumber the remaining sections accordingly.

Ms. Day asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

AM2462

(Amendments to E & R amendments, am7139)

1. Insert the following section:

"Sec. 38. (1) The Legislature finds that regular meaningful communication between both parents and their children is necessary to the healthy physical and emotional well-being and growth of the children. It is the policy of this state to assure the right of children to frequent and continuing contact with both parents and the right of parents to frequent and continuing contact with their children, if such frequent and continuing contact is in the best interest of the children.

(2) It is the intent of the Legislature to encourage the use of all proven techniques for the enforcement of visitation orders. In order to ensure that all techniques have been explored, the Governor shall establish the Governor's Child-Visitation Enforcement Task Force. The task force shall include a representative from the office of the Governor, a representative from the office of the State Court Administrator, representatives of county attorneys, representatives of the Legislature, and representatives of custodial and noncustodial parents. The Governor shall appoint the representatives. The task force shall study all areas of visitation including, but not limited to, interference with visitation orders. The Governor's Child-Visitation Enforcement Task Force shall propose recommendations for legislative action to the Governor and the Legislature on or before January 1, 1996.".

2. Renumber the remaining sections and correct internal references accordingly.

Ms. Day asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

AM1980

(Amendments to E & R amendments, AM7139)

1. Insert the following section:

"Sec. 7. License holder means an individual who holds an operator's license or a professional or occupational license.".

2. Renumber the remaining sections and correct internal

5 references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 99, 505, and 530.

Enrollment and Review Change to LB 99

The following changes, required to be reported for publication in the Journal, have been made:
ER9088
1. In the Standing Committee amendments, AM1188, on page 1, line 7, "through" has been struck and "to" inserted.

Enrollment and Review Change to LB 530

The following changes, required to be reported for publication in the Journal, have been made:
ER9086
1. In the Wickersham-Beutler-Warner amendment, AM2346:
a. On page 1, line 6, an underscored period has been inserted after "Governor"; and
b. On page 2, line 1, "the new matter in" has been inserted after "strike"; and in line 7 an underscored comma has been inserted before "(iv)".
2. In the Kristensen amendment, FA254, the comma has been struck and "and" inserted.
3. In the Hall amendment, AM2369:
a. On page 3, line 1, "Legislature Council," has been struck and "Legislative Council" inserted; and in line 27 "Legislature" has been struck and "Executive Board of the Legislative Council" inserted; and
b. On page 5, line 23, "Legislature" has been struck and "Executive Board of the Legislative Council" inserted; and the matter beginning with "after" in line 26 through line 27 has been struck and "strike ', 81-1108.22,' and insert 'to'." inserted.
4. In the E & R amendments, AM7138, on page 2, line 12, the last comma has been struck and "to" inserted; in line 13 "81-1108.22," has been struck; and in line 21 "to change provisions relating to space in the State Capitol;" has been inserted after the semicolon.
5. On page 1, line 2, "81-1107," has been inserted after the second comma.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 289. Placed on General File as amended.
Standing Committee amendment to LB 289:
AM2224

1. Strike the original section and insert the following new section:

"Section 1. The Biopower Steering Committee is established. The committee may study the feasibility of generating electricity from the use of agricultural crops and of supporting a demonstration project which includes a gasification component. The project would use biomass fuel which is farm-grown closed-loop biomass or residue from agricultural or wood-product activities. The committee may collect information which may be used by all of Nebraska's public utilities to develop biopower electricity projects, including exploration of how the use of instate resources for electricity production might benefit the rural economy and economic analysis of benefits to Nebraska from use of instate rather than out-of-state resources.

The committee shall consist of: (1) Three representatives from the Nebraska Power Association, the Director of the State Energy Office or his or her designee, and the Director of Economic Development or his or her designee, and one public interest representative, all appointed by the chairperson of the Legislature's Committee on Natural Resources; (2) two agricultural representatives appointed by the chairperson of the Legislature's Committee on Agriculture; and (3) the chairperson of the Legislature's Committee on Agriculture.

The committee shall seek grant funds and resources from Nebraska's public utilities and from other public and private sources to carry out any study and to implement any demonstration project which may be undertaken. The Biopower Development Cash Fund is created. Grant funds and resources received by the committee shall be remitted to the State Treasurer for credit to the Biopower Development Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendment to LB 316:
AM1695

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that:

(1) There are rural areas in the state which are experiencing declines in economic activity and the out-migration of rural residents which is eroding the tax base of those rural areas and undermining the ability of the state and local governments to provide essential public services;

(2) Rural economic development efforts can increase the productivity of economic resources, create and enhance employment opportunities, increase the level of income and quality of life for rural residents, assist in slowing or reversing the out-migration of rural residents, and help maintain essential public services to the advantage not only of those rural areas but also of the state as a whole and the electric utilities serving those rural areas;

(3) Funds may be available from the United States Department of Agriculture or other federal agencies to suppliers of electricity in rural areas to promote economic development and job creation projects;

(4) It is the policy of this state to promote economic development and job creation projects in rural areas through the use of federal funds and other funds which may be available as authorized in subsection (3) of section 70-625;

(5) Public power districts operating in rural areas of this state are uniquely situated through their boards of directors to know and understand the need to promote economic development and job creation projects in their service areas; and

(6) Involvement by publicly-owned electric utilities operating in rural areas in such economic development activities serves a public purpose and it is the public policy of this state to allow public power districts with annual gross revenue of less than fifty million dollars to promote economic development and job creation projects in rural areas as provided in subsection (3) of section 70-625.

Sec. 2. Section 70-625, Revised Statutes Supplement, 1994, is amended to read:

70-625. (1) Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

(2) In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television

programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts ~~(1)~~ (a) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce, ~~(2)~~ (b) to provide signal descrambling or decoding devices or satellite programming to any location ~~(a)~~ (i) being furnished such devices or programming on April 24, 1987, or ~~(b)~~ (ii) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or ~~(3)~~ (c) to sell, service, or lease C-band satellite dish systems or repair parts.

(3) In addition to the powers authorized by Chapter 70 and specified in its petition for creation as amended, the board of directors of a public power district with gross revenue of less than fifty million dollars per annum may apply for and use funds available from the United States Department of Agriculture or other federal agencies for grants or loans to promote economic development and job creation projects in rural areas as permitted under the rules and regulations of the federal agency from which the funds are received. Any loan to be made by a district shall only be made in participation with a bank pursuant to a contract. The district and the participating bank shall determine the terms and conditions of the contract. In addition, the board of directors of such district may provide technical or management assistance to prospective, new, or expanding businesses, including home-based businesses, provide assistance to a local or regional industrial or economic development corporation or foundation located within or contiguous to the district's service area, provide youth and adult community leadership training, and assist with enhancing the educational technology available to community schools.

(4) Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act or under the authority given in this section.

Sec. 3. Original section 70-625, Revised Statutes Supplement, 1994, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

SELECT FILE

LEGISLATIVE BILL 455. The Dierks amendment, AM2464, found in this day's Journal, to the second Bohlke pending amendment, FA271, was reconsidered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Avery
Bernard-Stevens
Brashear
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hall
Hartnett
Kristensen
Landis
Lindsay
Maurstad
Pedersen
Preister
Robak
Schimek
Schmitt
Schrock
Stuhr
Will
Withem

Voting in the negative, 17:

Beutler
Bohlke
Bromm
Brown
Day
Elmer
Fisher
Hudkins
Janssen
Jensen
Matzke
Pirsch
Robinson
Warner
Wehrbein
Wesely
Witek

Present and not voting, 3:

Jones
McKenzie
Schellpeper

Excused and not voting, 5:

Abboud
Hillman
Lynch
Vrtiska
Wickersham

The Dierks amendment lost with 24 ayes, 17 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Brashear, Schellpeper, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby offered the following amendment to the second Bohlke pending amendment:

AM2465

(Amendments to AM2405 (FA271))

1. On page 1, line 1, strike "section 1" and insert "sections 1 and 8".

2. Insert the following new section:

"Sec. 10. Section 68-1713, Revised Statutes Supplement, 1994, is amended to read:

68-1713. (1) The Department of Social Services shall submit a waiver request or requests to the United States Department of Health and Human Services and the United States Department of Agriculture as necessary for federal authorization to implement the provisions of the Welfare Reform Act. The Department of Social Services may include the provisions of sections 68-1718 to 68-1726 in its waiver requests and may designate a county or counties for implementation on or after July 1, 1995, of such sections for recipient families in the aid to dependent children program. The department shall not implement any waiver approved under this section until the provisions of the waiver as approved by the United States Department of Health and Human Services or the United States Department of Agriculture have been presented to and approved by the Legislature.

The Department of Social Services may implement the waivers approved by the United States Department of Health and Human Services or the United States Department of Agriculture, which waivers are entitled:

(a) Permit Work Experience in Private for Profit Enterprises;

(b) Permit Job Search to Extend Beyond Eight Weeks Each Year;

(c) Permit Employment to be Considered a JOBS Program Component;

(d) Make Sanctions More Stringent to Emphasize Participant Obligations, except that any period of ineligibility for assistance due to a failure to cooperate under section 68-1723 shall under no circumstances apply to children in a recipient family;

(e) Alternative Hearing Process;

(f) Permit Adults in Two-Parent Households to Participate in JOBS Activities Based on Their Self-Sufficiency Needs;

(g) Eliminate Exemptions for Individuals with Children Between the Ages of 12 Weeks and Age Six;

(h) Providing Poor Working Families with Transitional Child Care to Ease the Transition from Welfare to Self-Sufficiency;

(i) Require Adults in the Recipient Family to Complete and Comply with Self-Sufficiency Contracts Even Where They Do Not Have Parental Responsibility and File Only for the Children;

(j) Provide Transitional Health Care for 24 Months After Termination of ADC;

(k) Cap Family Benefits Based on the Number of Children in the Unit at the Time of Initial Eligibility;

(l) Require Adults to Ensure that Children in the Family Unit Attend School;

(m) Encourage Minor Parents to Live with Their Parents;

(n) Establish a Resource Limit of $5,000 for ADC Entitlement;

(o) Exclude the Value of One Vehicle Per Family When Determining ADC Eligibility;

(p) Exclude the Cash Value of Life Insurance Policies in Calculating Resources for ADC;

(q) Permit the Self-Sufficiency Contract Assessment to Substitute for the Six-Month ADC Redetermination Process;

(r) Establish Food Stamps as a Continuous Benefit with Eligibility Reevaluated with Yearly Redeterminations;

(s) Permit Nebraska to Establish Lower Payment Levels than the Payment Levels in Effect on May 1, 1988, for Those Families Which Elect to Receive Benefits under the Time-Limited ADC, High Disregards Program;

(t) Permit ADC Parents to Keep More of Their Earnings Before Their Welfare Grants are Reduced;

(u) Disregard Financial Assistance Received Intended for Books, Tuition, or Other Self-Sufficiency Related Use;

(v) Culture: Eliminate the 100-Hour Rule, The Quarter of Work Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP Eligibility;

(w) Make ADC a Time-Limited Program;

(x) Eliminate Self-Initiated Training as a JOBS Option; and

(y) Other Waivers: Statewide Operation of the Demonstration Project.

~~Before the approved waiver is submitted to the Legislature for approval, the department shall also submit to the Legislature specific and detailed guidelines and standards which it will utilize to carry out the purposes of the act concerning the following areas:~~

~~(a) What items will comprise the self-sufficiency contract for purposes of section 68-1719;~~

~~(b) What standards will be used to determine whether the recipient is complying with the terms of the self-sufficiency contract for purposes of subdivision (3)(b) of section 68-1723;~~

~~(c) A definition of self-sufficiency;~~

~~(d) The definition of job for purposes of subdivision (1)(c) of section 68-1724;~~

~~(e) What will be considered extreme hardship for purposes of subdivision (1)(c) of section 68-1724;~~

~~(f) What will be considered the state not carrying out its responsibility under the self-sufficiency contract for purposes of subdivision (1)(a) of section 68-1724;~~

~~(g) Analysis of mediation or contract dispute resolution;~~

~~including an independent process that could be utilized by the department, who will provide such services, and what standards will be utilized for mediation or contract dispute resolution;~~

~~(h) The elements which will be used in the assessment under section 68-1718;~~

~~(i) What benchmarks and standards will be used to analyze family outcomes related to economic self-sufficiency as required by section 68-1716;~~

~~(j) What elements will be considered in determining whether an adult fails to cooperate in carrying out the terms of the contract for purposes of subsection (2) of section 68-1723;~~

~~(k) Jobs availability information reflecting the report from the Governor's Roundtable. Such information shall include the location of available jobs, the type of jobs available, and the levels of pay and benefits;~~

~~(l) What transitional health coverage shall consist of, whom it will include, and what the sliding-fee schedule shall consist of; and~~

~~(m) A description of the child-care subsidy sliding-fee scale.~~

At the end of the first year of implementation, the department shall identify any adjustments or adaptations that may be needed before the waivers are implemented in other areas of the state. Such review shall include an evaluation of the impact of subdivisions (2)(b) and (c) of section 68-1724. The department shall implement the approved waivers in additional counties as necessary to complete statewide implementation. If federal waiver approval of one or more provisions of the ~~act~~ Welfare Reform Act is granted, the department may implement the provision or provisions, in accordance with federal approval.

(2) The Department of Social Services shall (a) apply for a waiver to allow for a sliding-fee schedule for the population served by the caretaker relative program or (b) pursue other public or private mechanisms, to provide for transitional health care benefits to individuals and families who do not qualify for cash assistance. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available.

For purposes of this section, approved by the Legislature shall mean the introduction, consideration, and enactment of legislation.".

3. Amend the operative date and repealer sections so that section 10 added by this amendment becomes operative on its effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

SPEAKER WITHEM PRESIDING

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 23 not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Crosby moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Crosby requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Avery
Chambers
Crosby
Dierks
Engel
Hall
Hartnett
Lindsay
Maurstad
McKenzie
Pedersen
Preister
Robak
Stuhr

Voting in the negative, 21:

Abboud
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Elmer
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pirsch
Robinson
Warner
Wehrbein
Wesely
Witek

Present and not voting, 6:

Bernard-Stevens
Schimek
Schmitt
Schrock
Will
Withem

Excused and not voting, 8:

Brashear
Day
Hillman
Landis
Lynch
Schellpeper
Vrtiska
Wickersham

The Crosby amendment lost with 14 ayes, 21 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Janssen and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

The second Bohlke pending amendment, FA271, was renewed.

The second Bohlke amendment was adopted with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

Messrs. Coordsen, Schmitt, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The third Bohlke amendment is as follows:
FA272

(Amendments to E & R amendments, AM7123)

Sec. 21. The Legislature finds that welfare reform and the prevention of poverty are the responsibility of both the public and the private sectors and that low-income Nebraskans will best attain and maintain economic self-sufficiency through the job market. The Governor shall establish the Governor's Roundtable composed of current and former welfare recipients and leaders from business, industry, labor, and government. The Governor's Roundtable, in conjunction with the community colleges, state colleges, University of Nebraska, Department of Economic Development, State Department of Education, Department of Labor, Department of Revenue, and Department of Social Services, shall analyze the job needs and training needs of business, industry, and labor in Nebraska. On the basis of this analysis, the Governor's Roundtable shall recommend processes, strategies, and resources for linking the unemployed and underemployed with training or jobs that pay a living wage. The Governor's Roundtable shall also make recommendations pertaining to job creation, tax incentives, unemployment compensation, education and training programs, child care, and health care to assist low-income Nebraskans to attain and maintain economic self-sufficiency. Such recommendations, including any necessary legislation, shall be presented to the Governor and the Legislature not later than December 1 of each year.

MR. LINDSAY PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Wesely offered the following amendment to the third Bohlke pending amendment:

FA281
Amend FA272
P. 5 line 3 of AM2405
Strike "in conjunction with" and insert "and"

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The Wesely amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment to the third Bohlke pending amendment:
FA282
Amend FA272 of AM2405, Pg 5 line 17 after "1" strike "of each year." and insert "1997"

The Hall amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The third Bohlke amendment, as amended, was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

May 23, 1995

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEES:
James W. Budke, 1009 3rd Street, McCook, NE 69001
Mardy McCullough, 1300 G Street, Lincoln, NE 68508
Marlin Armbruster, P.O. Box 369, Falls City, NE 68355

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

UNANIMOUS CONSENT - Print in Journal

Messrs. Schellpeper, Hall, Hartnett, and Will asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM2419

1. Insert the following new sections:

"Sec. 18. Section 9-347, Revised Statutes Supplement, 1994, is amended to read:

9-347. (1) The gross proceeds of any lottery by the sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, payment of the unit cost, any commission paid to a pickle card operator, allowable expenses, and allocations for bingo expenses as provided by subsection (5) of this section.

(2) Not less than sixty-five percent or more than eighty percent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes.

(3) Not more than ~~six~~ eight percent of the definite profit of a pickle card unit shall be used by the licensed organization to pay the allowable expenses of operating a lottery by the sale of pickle cards, except that license fees paid to the department to license the organization, each utilization-of-funds member, and any sales agent and pickle card dispensing device registration fees shall not be included in determining the ~~six-percent~~ eight-percent limitation on expenses and no portion of such ~~six~~ eight percent shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion conducted pursuant to the Nebraska Bingo Act, and of such ~~six~~ eight percent not more than four percent of the definite profit may be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing of a pickle card unit. When determining the ~~six~~ eight percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.

(4) Not more than thirty percent of the definite profit of a pickle card unit shall be used by a licensed organization to pay a pickle card operator a commission, fee, or salary for selling individual pickle cards as opportunities for participation in a

lottery by the sale of pickle cards on behalf of the licensed organization.

(5) An organization licensed to conduct bingo pursuant to the Nebraska Bingo Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation. The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the ~~twelve-percent~~ fourteen-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No expenses associated with the conduct of bingo may be paid directly from the pickle card checking account. A licensed organization which needs to allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions to pay bingo expenses as provided by this section shall transfer funds from the pickle card checking account to the bingo checking account by a check drawn on the pickle card checking account or by electronic funds transfer.

Sec. 19. Section 9-347.01, Reissue Revised Statutes of Nebraska, is amended to read:

9-347.01. (1) For each type of pickle card unit marketed in this state, the department shall determine the following: (a) When a licensed organization sells pickle cards through pickle card operators, the portion of the definite profit from that pickle card unit which shall go to the licensed organization, such amount to be not less than seventy percent of the definite profit from such pickle card unit; (b) the maximum amount of the definite profit from the sale of a pickle card unit that a licensed organization may pay a pickle card operator as a commission, fee, or salary to sell its pickle cards, such amount not to exceed thirty percent of the definite profit from such pickle card unit; (c) the portion of the definite profit from the sale of a pickle card unit which may be expended by a licensed organization for allowable expenses, such amount not to exceed ~~six~~ eight percent of the definite profit from such pickle card unit; and (d) the portion of the definite profit from the sale of a pickle card unit which may be utilized by a licensed organization for payment of a sales agent selling pickle cards on behalf of the licensed organization, such amount to be a portion of the allowable expenses and not to exceed four percent of the definite profit from such pickle card unit.

(2) The licensed organization's net profit from the sale of a pickle card unit shall be used exclusively for a lawful purpose. A licensed organization shall not donate or promise to donate its net profit or any portion of the net profit to a recipient outside of its organization as an inducement for or in exchange for (a) a payment, gift, or other thing of value from the recipient to any person, organization, or corporation, including, but not limited to, the licensed organization or any of its members, employees, or agents, or (b) a pickle card operator's agreement to sell pickle cards on behalf of the licensed organization.

Sec. 31. Section 9-629, Revised Statutes Supplement, 1994, is amended to read:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen-percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the

combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen-percent limitation on expenses.".

2. On page 19, line 10, strike "twelve" and insert "fourteen"; and in line 18 strike "twelve", show as stricken, and insert "fourteen".

3. On page 20, line 18, strike "twelve-percent", show as stricken, and insert "fourteen-percent"; and in line 21 strike "six percent", show as stricken, and insert "eight percent".

4. On page 83, line 22, after "9-345.03," insert "9-347.01,"; in line 25 after "9-329.02," insert "9-347,"; and in line 26 after "9-623," insert "9-629,".

5. On page 84, strike line 1 and insert "section 9-629.02, Revised Statutes Supplement, 1994.".

6. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM2455

(Amendments to E & R amendments, AM7155)

1. Insert the following new section:

"Section 1. Section 50-419, Reissue Revised Statutes of Nebraska, is amended to read:

50-419. (1) The Legislative Fiscal Analyst shall provide fiscal and budgetary information and assistance to the Legislature and the Appropriations Committee. During sessions of the Legislature he or she shall work under the direction of the Appropriations Committee of the Legislature. During the interim between legislative sessions he or she shall work under the direction of the Executive Board of the Legislative Council.

The Legislative Fiscal Analyst shall provide:

(a) Factual information and recommendations concerning the financial operations of state government;

(b) Evaluation of the requests for appropriations contained in the executive budget and recommendations thereon;

(c) Studies of capital outlay needs for the orderly and coordinated development of state institutions and institutional programs authorized, if not otherwise provided by law; and

(d) Plans for legislative appropriation and control of funds, with presession analysis of budgetary requirements.

(2) His or her duties shall also include examining or auditing functions or services authorized by the Legislature to determine if funds are expended according to legislative intent and whether improvements in organization and performance are possible. The examining function shall also include the appraisal of functions for needed reforms.

(3) His or her duties shall be to coordinate his or her

activities with the budget officer of the Department of Administrative Services.

(4) All information and reports of the fiscal analyst and Appropriations Committee shall be available to any and all members of the Legislature.

(5) The Legislative Fiscal Analyst shall provide revenue-forecasting information and assistance to the Legislature, the Revenue Committee of the Legislature, and the Appropriations Committee of the Legislature. For the purposes of this subsection, he or she shall work under the direction of the Revenue Committee of the Legislature and the Appropriations Committee of the Legislature. The revenue-forecasting information provided under this subsection shall include:

(a) The estimated revenue receipts for each year of the following biennium;

(b) General Fund reserve requirements;

(c) A list of express obligations; and

(d) A summary of economic conditions affecting the State of Nebraska.

(6) The Legislative Fiscal Analyst and the Director of Administrative Services shall calculate by November 1 of each even-numbered year the General Fund budget limitation for each fiscal year of the next biennium. The total General Fund appropriations for any fiscal year shall not exceed the General Fund budget limitation for that fiscal year except for amounts equal to the transfers made from other funds by specific act of the Legislature to the General Fund and net revenue generated from tax rate and tax base changes enacted subsequent to calculation of the limitation. The General Fund budget limitation shall be calculated from the compound average annual rate of growth for prior fiscal years beginning with FY1981-82 and each year thereafter of General Fund net receipts adjusted for tax rate and federal or state tax law changes affecting actual net receipts. Fiscal years used in the calculation shall be known as the base period. The object of the calculation shall be to arrive at a single average rate of revenue growth expressed as a percentage. Such average percentage rate shall be independent of the effects of changes to the tax rate and the tax base during the base period. The rate of growth shall be used to calculate the General Fund budget limitation for the following fiscal year by multiplying the current fiscal year General Fund appropriations by the single average rate of growth. The result of the multiplication expressed in dollars shall be added to the current fiscal year General Fund appropriation to arrive at a total which shall be the General Fund budget limitation for the first fiscal year of the ensuing biennium. The General Fund budget limitation calculated for the first fiscal year shall be the basis for calculating the limitation for the second fiscal year of the biennium. The single average rate of growth shall be applied to the first fiscal year limitation to arrive at the

General Fund budget limitation for the second fiscal year of the biennium. The second year limitation shall be revised in odd-numbered years using the additional base receipt data from the prior fiscal year and current fiscal year appropriations. For purposes of this subsection, General Fund net receipts shall mean total General Fund net receipts excluding all transfers pursuant to section 77-4602 and any transfers made by specific act of the Legislature from the Cash Reserve Fund or any other fund to the General Fund.

(7) On or before November 1 of each even-numbered year, the Legislative Fiscal Analyst and the Director of Administrative Services shall jointly issue a report, identifying the General Fund budget limitation for each fiscal year of the ensuing biennium and detailing all calculations used to calculate the limitation. The report shall be filed with the Clerk of the Legislature and copies shall be provided to all members of the Legislature and the Governor. The report shall be made available for public inspection upon its release.

(8) The report required in subsection (7) of this section shall be revised on or before November 1 of each odd-numbered year to arrive at a budget limitation for the ensuing fiscal year which includes the additional base period receipt data from the prior fiscal year and current fiscal year appropriations.".

2. On page 7, line 15, after "sections" insert "50-419," and after "79-3814" insert a comma.

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 369 and 369A.

Enrollment and Review Change to LB 369A

The following changes, required to be reported for publication in the Journal, have been made:

ER9089

1. On page 1, line 3, "; and to reduce appropriations" has been inserted after "1995".

(Signed) David I. Maurstad, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 260. Introduced by Robinson, 16.

WHEREAS, Paul Peterson is regarded as the most influential person in the history of Dana College athletics, having graduated from Dana College in 1941 and subsequently coached and served as athletic director at Dana College for forty-two years; and

WHEREAS, Paul Peterson's performance as a student athlete, as well as his career as a coach, were distinguished by many accomplishments, including his never-to-be-surpassed 99-yard punt in 1936 against South Dakota Normal and his achievement of being named 1980 State College Coach of the Year by the Omaha World-Herald; and

WHEREAS, "Coach Pete", as he was known, established Dana's women's basketball team in the 1950's which was one of the first women's collegiate basketball teams in the nation; and

WHEREAS, Paul Peterson retired from Dana College in 1984, and was inducted into the Dana Athletic Hall of Fame and the Nebraska Football Hall of Fame; and

WHEREAS, Paul Peterson passed away May 21, 1995, in Lincoln City, Oregon, leaving a legacy of excellence in collegiate athletics and education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the distinguished service Paul Peterson provided to young people, Dana College, the community of Blair, and the State of Nebraska.
2. That the Legislature extends its sympathy to the family of Paul Peterson.
3. That copies of this resolution be furnished to Mrs. Ruth Peterson of Portland, Oregon, and to Dana College in Blair, Nebraska.

Laid over.

SELECT FILE

LEGISLATIVE BILL 455. The fourth Bohlke amendment is as follows:
FA273

(Amendments to E & R amendments, AM7123)

Sec. 22. The Department of Labor shall (1) study and make recommendations on adjusting the minimum wage in Nebraska to account for increases in the cost of living, (2) catalog all existing job training resources and programs in Nebraska, and (3) study the availability of jobs in each area of the state, identify the number of jobs available, the type of jobs available, and the pay and benefits associated with the available jobs. These studies and recommendations shall be presented to the Governor's Roundtable.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Chambers offered the following amendment to the fourth Bohlke pending amendment:
FA283
In FA273 (AM2405)
P. 5, line 27 after "Roundtable" add "not later than December 1, 1996."

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Mr. Chambers offered the following amendment to the fourth Bohlke pending amendment:
FA284
In FA273 (AM2405)
Page 5, line 27 after "Roundtable" insert "and the Clerk of the Legislature"

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The fourth Bohlke pending amendment, FA273, as amended, was renewed.

Mr. Wesely moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Witek requested a roll call vote on the fourth Bohlke pending amendment, as amended.

Voting in the affirmative, 25:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Chambers
Day

Elmer
Engel
Fisher
Hall
Lindsay
Matzke
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 7:

Crosby
Jensen
Kristensen
Maurstad
Pirsch
Stuhr
Witek

Present and not voting, 6:

Avery
Bromm
Dierks
Hudkins
Schrock
Vrtiska

Excused and not voting, 11:

Coordsen
Cudaback
Hartnett
Hillman
Janssen
Jones
Landis
Lynch
McKenzie
Schmitt
Wickersham

The fourth Bohlke amendment, as amended, was adopted with 25 ayes, 7 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The fifth Bohlke amendment is as follows:
FA274

(Amendments to E & R amendments, AM7123)

Sec. 23. (1) The Legislature finds that (a) technology in delivering government assistance is rapidly changing, (b) such technology includes electronic benefit transfer systems, (c) major improvements have been made to electronic benefit transfer systems to lower costs and increase accountability, (d) such systems are being developed on the federal and nationwide levels, and (e) Nebraska should study and consider being a part of a national electronic benefit transfer system.

(2) The Governor shall appoint a task force consisting of one representative each of the Office of the Governor, the Department of Banking and Finance, the Department of Social Services, and the banking industry, two representatives of the electronic transfer system industry, three representatives of the retail grocery industry, and two persons currently receiving public assistance benefits. The chairpersons of the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall also be members of the task force. The task force shall study and make recommendations for an electronic benefit transfer system to deliver the most economic method for distribution of public assistance benefits. The study and

recommendations shall be presented to the Legislature on or before December 1, 1995.".

The fifth Bohlke amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The sixth Bohlke amendment is as follows:
FA275

(Amendments to E & R amendments, AM7123)

2. On page 9, line 3, strike "may", show as stricken, and insert "shall" and strike "a county or" and show as stricken; in line 5 strike "The", show as stricken, and insert "It is the intent of the Legislature that such designated counties include at least one county with a population of not more than thirty-five thousand inhabitants."; strike lines 6 through 10 and show as stricken; and in line 11 strike "may" and insert "shall".

SPEAKER WITHEM PRESIDING

Mrs. Bohlke and Mr. Chambers offered the following amendment to the sixth Bohlke pending amendment:
AM2475

(Amendments to E & R amendments, AM2405 (FA275))

1. On page 7, line 1, after "inhabitants" insert "and one county with a population of at least one hundred fifty thousand inhabitants, but not more than three hundred thousand inhabitants".

The Bohlke-Chambers amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The sixth Bohlke amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The seventh Bohlke amendment is as follows:
FA276

(Amendments to E & R amendments, AM7123)

3. On page 11, line 1, after "Reduced" insert: ",except that under the high disregards program the department shall disregard one hundred dollars plus sixty percent of the remaining monthly earned income".

The seventh Bohlke amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The eighth Bohlke amendment is as follows:
FA277

(Amendments to E & R amendments, AM7123)

4. On page 13, strike beginning with "If" in line 3 through line 6 and show the old matter as stricken.

The eighth Bohlke amendment was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

The ninth Bohlke amendment is as follows:
FA278

(Amendments to E & R amendments, AM7123)

5. On page 22, line 8, strike "previous year" and insert "two previous calendar years";

The ninth Bohlke amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA285
(AM7123)
Page 6, strike lines 17-27, and Page 7, lines 1-25

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

PRESIDENT ROBAK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 13 ayes, 23 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Chambers withdrew his amendments, FA135, FA136, and AM1568, found in the Journal on pages 1598 and 1599.

Mrs. Witek withdrew her amendments, AM1617 and AM1618, found in the Journal on page 1624.

Mrs. Bohlke withdrew her amendments, AM1621 and AM1622, found in the Journal on pages 1625 and 1628.

Mr. Chambers withdrew his amendment, AM1638, found in the Journal on page 1648.

Mr. Wesely withdrew his amendment, AM1623, found in the Journal on page 1663.

Mr. Lindsay, Mmes. Crosby, and Witek withdrew their amendment, AM1655, found in the Journal on page 1668.

Mrs. Witek withdrew her amendment, AM1508, found in the Journal on page 1761.

Mr. Hall withdrew his amendment, AM1462, found in the Journal on page 1581.

Messrs. Lindsay and Dierks withdrew their amendment, AM1814, found in the Journal on page 2035.

Mrs. Bohlke withdrew her amendment, AM2180, printed separately from the Journal and referred to on page 2149.

Mr. Lynch withdrew his amendment, AM2242, on file in the Clerk's Office and referred to on page 2219.

Mr. Lindsay withdrew his amendment, AM2299, found in the Journal on page 2295.

Mr. Dierks withdrew his amendment, AM2422, found in the Journal on page 2411.

Messrs. Chambers and Wesely withdrew their amendments, FA257 and FA258, found in the Journal on page 2412.

Mr. Chambers withdrew his amendments, FA259, FA260, FA261, FA262, FA263, and FA264, found in the Journal on pages 2412 and 2413.

Mrs. Crosby and Mr. Landis withdrew their amendment, AM2411, found in the Journal on page 2413.

Mr. Lindsay withdrew his amendment, AM2430, found in the Journal on page 2432.

Mrs. Pirsch withdrew her amendment, AM1901, found in the Journal on page 1996.

Mrs. Witek withdrew her amendments, AM2270, AM2271, and AM2298, found in the Journal on pages 2331 and 2332.

Messrs. Hall, Chambers, and Wesely offered the following amendment:
FA286

Amend the E & R Amendment, AM7123

1. On Pg. 6, line 27 strike "or general assistance"

2. On Pg. 7, line 1 strike "or due to the termination of a benefits period" and on line 24 strike "or due to the termination of a benefits period"

The Hall-Chambers-Wesely amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mrs. Crosby requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 30 ayes, 6 nays, 6 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 384, 386, 399, and 693A.

Enrollment and Review Change to LB 384
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9091

1. In the Landis amendment, AM2305:

a. On page 6, line 5, the semicolon has been struck and an underscored period inserted; and in line 25 ", and" has been struck and "and," inserted;

b. On page 7, line 12; and page 12, lines 18 and 26, "(i)" has been struck and "(a)" inserted;

c. On page 7, line 13; page 12, line 21; and page 13, line 2, "(ii)" has been struck and "(b)" inserted;

d. On page 8, line 7, ", if" has been struck and "if," inserted;

e. On page 14, line 19, the last comma has been struck; and

f. On page 15, line 10, the last "and" has been struck; in lines 11 and 25 ", 8-903," has been struck; in lines 12 and 26 ", and section 8-903, Revised Statutes Supplement, 1994, as amended by section 10, Legislative Bill 384, Ninety-fourth Legislature, First Session, 1995" has been inserted after "1994"; and in line 25 the first "and" has been struck.

2. On page 1, line 5, "to define and redefine terms;" has been inserted after the semicolon.

Enrollment and Review Change to LB 693A
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9090

1. On page 1, the matter beginning with "appropriations" in line 1 through line 6 has been struck and "health care; to amend section

68-1062, Revised Statutes Supplement, 1994; to change provisions for implementation of a plan for a managed care system; to repeal the original section; and to declare an emergency.".

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 261. Introduced by Fisher, 35.

WHEREAS, the Grand Island High School Girls' Tennis Team won the state tennis tournament; and

WHEREAS, this tournament win marks the first time that the Grand Island High School Girls' Tennis Team has won the state championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its congratulations to the Grand Island High School Girls' Tennis Team and Coach Fletcher Shields.
2. That a copy of this resolution be sent to the girls' tennis team and Coach Shields.

Laid over.

LEGISLATIVE RESOLUTION 262. Introduced by Abboud, 12; Lindsay, 9.

WHEREAS, on May 17, 1995, the Duchesne Academy of Sacred Heart girls' soccer team defeated Millard North to win the Nebraska High School Girl's Soccer Championship; and

WHEREAS, it was Duchesne's fourth championship in the last five years and the victory capped a season of eighteen wins and only one loss.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its congratulations to the Duchesne girls' soccer team and coach Dan Harvey for the championship victory.

Laid over.

LEGISLATIVE RESOLUTION 263. Introduced by Abboud, 12.

WHEREAS, on May 19, 1995, the Ralston High School boys' baseball team won the Class A State Baseball Championship with a 7-1 victory over Creighton Prep; and

WHEREAS, the Ralston team defeated three higher-seeded teams on their way to their fifth state title since 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its congratulations to the Ralston boys' baseball team and their coach for the championship victory.

Laid over.

MESSAGE FROM THE GOVERNOR

May 23, 1995

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 391 and reducing or striking specific appropriations and related items. An attachment lists each of the reductions. The amount of general fund vetoes totals nearly $1.9 million for the next biennium and over $2.5 million over the next three years.

I have stricken the $720,000 for renovation of the Department of Public Institutions' cottages. This project was not part of my original recommendation and was ninth of eleven prioritized projects for the agency. We do not have the funds to undertake the total renovation of the cottages at this time. Necessary completion of fire and life safety and ADA components of these projects can be prioritized and accomplished through the LB 309 Task Force process.

The $1,585,000 for the Diagnostic and Evaluation Center Renovation at the Lincoln Correctional Center and the $269,000 for the Lincoln Correctional Center "Best Use" Renovation have been reduced to $45,000 and $35,000 respectively. Neither project was part of my original recommendation. Neither project has a completed program statement on file. We do not have sufficient funds to complete these renovations at this time. The funds remaining after my line-item reductions will allow program statements to be completed in the next two years.

I have stricken the $25,000 for FY 96 for the Comprehensive Plan at the Nebraska College of Technical Agriculture at Curtis. The $25,000 for FY 97 remains. I support the need for a plan at Curtis; however, the Associate Dean and Campus Director of the College is retiring very shortly. No meaningful planning can take place until a replacement is hired. It is also critical that the planning process include University and private sector representation and input. Therefore, it is my recommendation that if the $25,000 of State funds for FY 97 remaining after my veto is not deemed sufficient to complete the plan, private or reallocated University funds should be used as a supplement to complete the plan. If the plan is to be successful and the future viability of Curtis assured, the State, the University and the private sector must work together in partnership on the plan.

I have allowed the $5.7 million of State funds for the new Nebraska Veterans' Home at Norfolk to remain intact, even though it was not contained in my original recommendation. I have done so because it is my understanding that we cannot obtain almost $10.5 million of Federal funds in FY 98 for the project without the appropriation of these funds. However, in so doing I expect two things: (1) A program statement will be completed by an Architectural/Engineering firm in the next year which examines the benefits and costs of a new Veterans' Home and compares them to a total renovation of the current facility. This program statement should be presented to me and to the Legislature no later than July 15, 1996. This analysis will no doubt be required if we are to be successful in obtaining Federal funds. (2) With the exception of the State funds spent on the program statement, no State funds should be spent on the project until the $10.5 million of Federal funds is in hand. If the Federal funds in the amount of $10.5 million are not forthcoming, the remaining State funds will be lapsed to the State General Fund no later than June 30, 1998.

I have also not reduced the State funding for the renovation of the Engineering Building and for the program planning for the Engineering Applied Research and Training Facility. Both of these projects are funded at a level above my original recommendation at an additional cost of $550,000 for the biennium. However, I do not support construction or planning beyond the program statement phase, before sufficient information has been provided to the Coordinating Commission for Postsecondary Education (CCPE) to allow them to review the projects and provide a recommendation. I sincerely hope that the University and the Legislature will follow the intended procedures on such projects in the future.

I urge you to sustain these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

Attachment

UNANIMOUS CONSENT - Members Excused

Messrs. Will and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 742. Mr. Bernard-Stevens withdrew his pending motion, found in the Journal on page 2431, to reconsider the adoption of the Bromm-Bohlke amendment (FA266) to the McKenzie amendment (AM2415) to LB 742.

Mr. Bromm withdrew his remaining divided amendment.

Messrs. Bromm, Bernard-Stevens, Mmes. Bohlke, and McKenzie offered the following amendment to the McKenzie-Bernard-Stevens pending amendment, AM2114, found in the Journal on page 2126 and considered on pages 2218 and 2428:
AM2483

(Amendments to E & R amendments, AM2114)

1. Strike FA266.

2. Strike section 8 and insert the following new sections:

"Sec. 8. For fiscal year 1996-97, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3325, 79-3332, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections in fiscal year 1995-96 multiplied by one plus a rate of two and one-half percent, excluding any deficiency appropriations in fiscal year 1995-96. Beginning in fiscal year 1997-98 and each fiscal year thereafter, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-3322, 79-3325, and 79-3333 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections for the previous fiscal year, multiplied by one plus a rate of three percent.

Sec. 11. The State Board of Education, with the assistance of the State Department of Education, shall provide a process for the waiver of rules and regulations adopted and promulgated under Chapter 79 as such rules and regulations relate to special education programs and support services related to special education. Such waiver shall not apply to any requirements subject to federal laws or federal rules and regulations. Any entity subject to state rules and regulations for special education may apply for a waiver of such rules and regulations each year until August 31, 1998. To the extent practicable, the State Board of Education shall grant or deny a waiver request at the next regularly scheduled meeting of the board following receipt of the written waiver request. The waiver process shall be studied for effectiveness by the State Board of Education, and the board shall provide a report to the Education Committee of the Legislature in

January of 1998.

The board may grant a waiver to the rules and regulations if the process set out by the department is followed.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Bromm et al. amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. McKenzie renewed her pending amendment, AM2236, found in the Journal on page 2259, to the McKenzie-Bernard-Stevens pending amendment.

The McKenzie amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Stuhr offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
AM2427

(Amendments to AM2114)

1. On page 1, line 11, after the period insert "The report shall also include the estimated fiscal impact of the recommendations of the State Board of Education.".

The Stuhr amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Stuhr offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
AM2424

(Amendments to AM2114)

1. On page 10, lines 6 and 7, strike "one administrator or administrative staff member", show as stricken, and insert "two administrators or administrative staff members"; and in lines 8 and 9 strike the new matter and reinstate the stricken matter.

Mrs. Stuhr withdrew her amendment.

Mrs. Stuhr offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
FA287

Amend AM2114

Page 10, line 6 after "teacher" strike "one" and insert "two"; and on line 7 strike "administrator" and insert "administrators"; and on line four strike "sixteen" and insert "seventeen"

Messrs. Elmer and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Stuhr amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
FA288

Amend AM2114

(1) Insert the following new section: "It is the intent of the Legislature that any General Funds saved as a result of appropriating less than $127,357,978 of General Funds in FY 1996-97 for special education reimbursement shall be transferred to the Cash Reserve Fund."

(2) Renumber the remaining sections accordingly.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Avery
Bernard-Stevens
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Fisher
Janssen
Jensen
Jones
Maurstad
Pedersen
Pirsch
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 9:

Abboud
Engel
Hall
Kristensen
Landis
Lynch
Preister
Schimek
Wesely

Present and not voting, 13:

Beutler
Bohlke
Bromm
Day
Elmer
Hartnett
Hudkins
Lindsay
Matzke
McKenzie
Robak
Schellpeper
Warner

Excused and not voting, 4:

Dierks
Hillman
Wickersham
Will

The Bernard-Stevens amendment lost with 23 ayes, 9 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Pedersen and Avery offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
AM2456

(Amendments to E & R amendments, AM7121)

1. Insert the following new sections:

"Sec. 8. In a lawsuit filed on or after January 1, 1997, against any school district or board of education on any claim arising from a provision of the Special Education Act, the State of Nebraska shall be named a party defendant upon a motion filed by any party.

Sec. 9. On a lawsuit filed on or after January 1, 1997, alleging any claim arising from a provision of the Special Education Act, one-half the amount of all attorney's fees, fines, and expenses paid by or on behalf of a school district or board of education shall be treated as allowable excess special education costs and shall be reimbursed by the state under the provisions of the act.".

2. On page 1, line 23, strike "shall" and insert "should as a goal".

3. On page 2, line 1, strike "Services" and insert "Educational services".

4. Renumber the remaining sections and correct internal references accordingly.

Messrs. Preister and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Ms. Schimek moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Withem requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Day
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
Maurstad
Pirsch
Robinson
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Witek

Voting in the negative, 10:

Avery
Brown
Cudaback
Elmer
Hall
Kristensen
McKenzie
Pedersen
Stuhr
Withem

Present and not voting, 2:

Lynch
Robak

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Dierks
Hillman
Landis
Preister
Schellpeper
Wickersham
Will

The motion to cease debate prevailed with 29 ayes, 10 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Messrs. Pedersen and Avery withdrew their amendment.

The Chair declared the call raised.

Mr. Withem offered the following amendment to the McKenzie-Bernard-Stevens pending amendment:
FA289
Amend AM2114
(Amendments to E & R amendments, AM7121)

On a lawsuit filed on or after January 1, 1997, alleging any claim arising from a provision of the Special Education Act, one-half the amount of all attorney's fees, fines, and expenses paid by or on behalf of a school district or board of education shall be treated as allowable excess special education costs and shall be reimbursed by the state under the provisions of the act.".

MR. HALL PRESIDING

Mr. Withem moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Avery
Bernard-Stevens
Brown
Cudaback
Day
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robinson
Stuhr
Vrtiska
Warner
Wesely
Withem

Voting in the negative, 16:

Abboud
Beutler
Brashear
Bromm
Coordsen
Crosby
Elmer
Engel
Hall
Jensen
Jones
Matzke
Schmitt
Schrock
Wehrbein
Witek

Present and not voting, 3:

Bohlke
Robak
Schimek

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Dierks
Hillman
Landis
Preister
Schellpeper
Wickersham
Will

The Withem amendment lost with 22 ayes, 16 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The McKenzie-Bernard-Stevens amendment, AM2114, as amended, was adopted with 40 ayes, 2 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 742A. Mr. Bromm and Mrs. Bohlke withdrew their amendment, AM2184, found in the Journal on page 2147.

Mr. Bernard-Stevens offered the following amendment:
AM2480

1. Insert the following new section:

"Sec. 2. The State Treasurer shall transfer $3,032,333 from the General Fund to the Cash Reserve Fund on June 16, 1997.".

2. Renumber the remaining sections accordingly.

The Bernard-Stevens amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mrs. McKenzie offered the following amendment:
AM2489

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $80,000 from the General Fund for FY1995-96 and (2) $80,000 from the General

Fund for FY1996-97 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $72,000 for FY1995-96 or $72,000 for FY1996-97.".

2. On page 2, line 7, strike "579,247,270" and insert "576,214,937"; in line 12 strike "723,528,781" and insert "720,496,448"; and in line 18 strike "$572,434,954" and insert "$569,402,621".

3. On page 4, line 4, strike "$127,357,978" and insert "$124,325,645".

The McKenzie amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2249

(Amendments to Standing Committee amendments, AM2061)

1. Insert the following new sections:

"Sec. 33. (1) Any person who possesses a firearm in the State Capitol building, on the capitol grounds, in the Governor's mansion, on the Governor's mansion grounds, in any other public building or on public land adjacent to the capitol grounds, or in any building or on land owned or leased by the State of Nebraska or any political subdivision thereof shall be guilty of unlawful possession of a firearm on public grounds. Unlawful possession of a firearm on public grounds is a Class IV misdemeanor. This subsection shall not apply to (a) the issuance of firearms to or the possession of firearms by members of the armed forces of the United States, active or reserve, the National Guard of this state, the Reserve Officers Training Corps, or any peace officer or other duly authorized law enforcement officer when on duty or training, (b) firearms contained within a private vehicle which are not loaded and which are (i) encased or are (ii) in a locked firearm rack that is attached to the vehicle, (c) the possession and use of firearms by persons lawfully hunting or target shooting, (d) the possession and use of firearms by persons on land leased or rented from the Board of Educational Lands and Funds, or (e) the possession of a firearm in a state museum when such firearm is owned by the state or is in the process of being donated to the state for the purpose of historical or educational display. For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by capitol security personnel. Any firearm confiscated by capitol security personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer by capitol security personnel pursuant to subsection (2) of this section is a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of the law enforcement agency shall hold the firearm for as long as the firearm is needed for evidence. After the firearm is no longer needed as evidence it shall be disposed of as directed by the court.

(4) Whenever a firearm is confiscated and held pursuant to this section, the peace officer who confiscated or received the firearm shall file within ten days after the confiscation or receipt a petition for the destruction of the firearm. The petition shall be filed in the district court of Lancaster County. The petition shall describe the firearm, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation or receipt, and conclude with a prayer for disposition and destruction as directed by the court. At any time after the confiscation or receipt of the firearm and prior to court-ordered disposition, the owner of the firearm may petition the district court of Lancaster County for possession of the firearm. The court shall release the firearm to the owner only if the claim of ownership can reasonably be shown to be true and (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a firearm on public grounds.

(5) No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance it shall be sold at auction by the sheriff of Lancaster County. The money collected by the sheriff from the sale shall be remitted to the State Treasurer for credit to the permanent school fund.".

2. Insert the following new amendment:

"2. On page 3, line 4, strike '29' and insert '33'.".

3. Renumber the remaining amendments accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2300

(Amendments to Standing Committee amendments, AM2061)

1. Insert the following new sections:

"Sec. 3. Section 28-303, Reissue Revised Statutes of Nebraska, is amended to read:

28-303. A person commits murder in the first degree if he or she kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he or she purposely procures the conviction and execution of any innocent person. The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524. A person convicted under this section and whose offense is punished as a Class IA felony shall serve a minimum of thirty years imprisonment before becoming eligible for parole.

Sec. 4. Section 28-304, Reissue Revised Statutes of Nebraska, is amended to read:

28-304. (1) A person commits murder in the second degree if he or she causes the death of a person intentionally, but without premeditation.

(2) Murder in the second degree is a Class IB felony. A person convicted under this section shall serve a minimum of ten years imprisonment before becoming eligible for parole.

Sec. 5. Section 28-308, Reissue Revised Statutes of Nebraska, is amended to read:

28-308. (1) A person commits the offense of assault in the first degree if he or she intentionally or knowingly causes serious bodily injury to another person.

(2) Assault in the first degree shall be a Class III felony. A person convicted under this section shall be sentenced to not less than five years imprisonment and shall not be eligible for parole.

Sec. 6. Section 28-319, Revised Statutes Supplement, 1994, is amended to read:

28-319. (1) Any person who subjects another person to sexual penetration and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence. Any person convicted under this section for the first time shall be sentenced to not less than five years imprisonment and shall not be eligible for parole.

(3) Any person who is found guilty of sexual assault in the first degree for a second or subsequent time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to not less than twenty-five years imprisonment and shall not be eligible for parole.

Sec. 7. Section 28-324, Reissue Revised Statutes of Nebraska, is amended to read:

28-324. (1) A person commits robbery if, with the intent to steal, he or she forcibly and by violence, or by putting in fear, takes from the person of another any money or personal property of any value whatever.

(2) Robbery is a Class II felony. A person convicted under this section shall be sentenced to not less than three years imprisonment and shall not be eligible for parole.".

2. Insert the following new amendment:

"4. On page 11, line 23, after 'felony' insert '. (c) Any person convicted under this section shall serve a minimum of three years imprisonment before becoming eligible for parole' ".

3. On page 8, line 9, after the second comma insert "after the first comma insert '28-303, 28-304, 28-308, 28-324,' and"; and in line 10 before the period insert "; and in line 20 after the first comma insert '28-319,' ".

4. Renumber the remaining amendments accordingly.

5. Renumber the remaining sections and correct internal references accordingly.

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM2454

(Amendments to AM2385)

1. Insert the following new section:

"Section 1. Section 79-4,180, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,180. The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event: ~~or during an educational function or event off school grounds:~~

(1) Use of violence, force, coercion, threat,

intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;

(2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;

(3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;

(4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;

(5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;

(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 or being under the influence of a controlled substance or alcoholic liquor;

(7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;

(8) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at an educational function or event. For purposes of this subdivision, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree as defined in sections 28-319 and 28-320, as such sections now provide or may hereafter from time to time be amended;

(9) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or

(10) A repeated violation of any rules and standards validly established pursuant to section 79-4,176 if such violations constitute a substantial interference with school purposes.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.".

2. On page 2, line 17, after the period insert "This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed

by the person receiving instruction under the immediate supervision of an adult instructor.".

3. On page 3, strike beginning with "or" in line 10 through "grounds" in line 12 and insert ", in a school-owned vehicle, or at a school-sponsored activity or athletic event"; in line 25 strike "section" and insert "sections 79-4,180 and"; and in line 26 strike "is" and insert "are".

4. Renumber the remaining sections and correct internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 455. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 sixth grade students and teachers from St. Boniface Elementary, Elgin; Larry Baus from Lincoln, Al and Chris Dolezal from Columbus, Jim Clarke from Aurora, and Maurice Jantze from Milford; and Dr. and Mrs. Robert Binhammer from Omaha.

ADJOURNMENT

At 10:25 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, May 24, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FIFTH DAY - MAY 24, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 24, 1995

Pursuant to adjournment, the Legislature met at 8:31 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor James Lindgren, Saint Mark's Lutheran Church, Verdon, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Bromm, Chambers, Engel, Hall, Kristensen, Landis, Lindsay, Schrock, Wickersham, Will, Mmes. Bohlke, and Brown who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM2423

1. On page 9, after line 18 insert the following subsection:

"(6) For purposes of this section, issue means broad subjects of negotiation which are presented to the special master pursuant to this section. All aspects of wages are a single issue, all aspects of insurance are a single issue, and all other subjects of negotiations classified in broad categories are single issues.".

RESOLUTION

LEGISLATIVE RESOLUTION 258. Read. Considered.

PRESIDENT ROBAK PRESIDING

LR 258 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Section 7(b), to permit Final Reading of LB 325e, LB 325Ae, LB 392e, and LB 394e.

The Withem motion to suspend the rules prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 325. With Emergency.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide for fees for accounting services; to create a fund; to require payments as prescribed; to provide a duty for the Revisor of Statutes; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Bernard-Stevens
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Fisher
Robinson

Excused and not voting, 13:

Abboud
Avery
Bohlke
Bromm
Brown
Chambers
Hall
Hillman
Kristensen
Landis
Lindsay
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 325A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Bernard-Stevens
Beutler
Brashear
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 13:

Abboud
Avery
Bohlke
Bromm
Brown
Chambers
Hall
Hillman
Kristensen
Landis
Lindsay
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 110, 218, and 258.

WITHDRAW - Amendment to LB 392

Mr. Lindsay withdrew his amendment, AM2414, found in the Journal on page 2407, to LB 392.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 392. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1997; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 9:

Avery
Chambers
Janssen
Jensen
Jones
Pirsch
Robinson
Schmitt
Witek

Present and not voting, 1:

Vrtiska

Excused and not voting, 5:

Abboud
Hillman
Lindsay
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 394. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1996, and June 30, 1997; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Hillman
Lindsay
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 325, 325A, 392, and 394.

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 559. Mr. Wesely moved to indefinitely postpone.

Mr. Wesely withdrew his motion to indefinitely postpone.

Mr. Wesely renewed his pending amendment, AM2217, found in the Journal on page 2190.

Mr. Brashear requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM2421, found in the Journal on page 2422, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM2421, found in the Journal on page 2422.

Mr. Beutler offered the following substitute amendment:
AM2490

1. Insert the following new section:

"Sec. 2. It is the intent of the Legislature to appropriate one million six hundred thousand dollars for FY1995-96 to fund the Campaign Finance Limitation Act.

Sec. 3. There is hereby appropriated $1,600,000 from the General Fund for FY1995-96 to the Campaign Finance Limitation Cash Fund to aid in carrying out the provisions of this legislative bill.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 2, lines 17 and 20, strike "1995" and insert "1996"; in lines 20 and 26 strike "1996" and insert "1997"; and in line 26 strike "1997" and insert "1998".

3. Renumber the remaining section accordingly.

Mr. Brashear requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment is not germane to the bill.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler motion to overrule the Chair lost with 6 ayes, 18 nays, 22 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1700, found in the Journal on page 2423, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1700, found in the Journal on page 2423.

Mr. Beutler offered the following substitute amendment:
FA290

2. On page 2, lines 17 and 20, strike "1995" and insert "1996"; in lines 20 and 26 strike "1996" and insert "1997"; and in line 26 strike "1997" and insert "1998".

3. Renumber the remaining section accordingly.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler amendment lost with 6 ayes, 26 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Beutler withdrew his amendment, AM1724, found in the Journal on page 2426.

Mr. Beutler reoffered his amendment, AM2421, found in the Journal on page 2422.

MR. HALL PRESIDING

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler amendment lost with 5 ayes, 26 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Abboud requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Witek

Voting in the negative, 4:

Landis
Schimek
Wesely
Wickersham

Present and not voting, 7:

Avery
Chambers
Elmer
McKenzie
Pirsch
Robinson
Withem

Excused and not voting, 1:

Hillman

Advanced to E & R for engrossment with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

EXPLANATION OF VOTE

Had I been present for the Final Reading vote on LB 392e, I would have voted "nay".

(Signed) John Lindsay

PROPOSED RULE CHANGE

Mr. Withem asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 6, Section 7, "(b) ~~Two~~ One legislative day~~s~~ after its reference to Final Reading."

Referred to the Rules Committee.

MESSAGE FROM THE GOVERNOR

May 24, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 483, 567, 581, 729, 732, 762, 264, 205, 207, and 286 were received in my office on May 19, 1995; Engrossed Legislative Bills 544, 564, 579, 583, and 629 were received on May 22, 1995.

These bills were signed by me on May 24, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1995, at 10:30 a.m., were the following bills: 325, 325A, 392, and 394.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 361. Placed on General File as amended.
Standing Committee amendment to LB 361:
AM2416

1. Strike original sections 2 and 3 and insert the following new section:

"Sec. 2. For a firefighter of firefighter-paramedic who is a member of a paid fire department of a municipality or a rural or suburban fire protection district in this state, including a municipality having a home rule charter, and who suffers death or disability as a result of cancer, including, but not limited to, cancer affecting the skin or the central nervous, lymphatic digestive, hematological, urinary, skeletal, oral, or prostate systems, evidence which demonstrates that (1) such firefighter or firefighter-paramedic successfully passed a physical examination upon entry into such service or subsequent to such entry, which examination failed to reveal any evidence of cancer, (2) such firefighter or firefighter-paramedic was exposed to a known carcinogen, as defined on the effective date of this act by the International Agency for Research on Cancer, while in the service of the fire department, and (3) such carcinogen is reported by the agency to be a suspected or known cause of the type of cancer the firefighter or firefighter-paramedic has, shall be prima facie evidence that such death or disability resulted from injuries, accident, or other cause while in the line of duty for the purposes of sections 16-1020 to 16-1042, a firefighter's pension plan established pursuant to a home rule charter, and a firefighter's pension or disability plan established by a rural or suburban fire protection district.".

(Signed) William R. Wickersham, Chairperson

VISITORS

Visitors to the Chamber were 120 eighth grade students and teachers from Pound Middle School, Lincoln; and 55 fourth grade students and teacher from West Point.

RECESS

At 12:02 p.m., on a motion by Mrs. Hudkins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Hall presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Avery, Dierks, Lynch, Wehrbein, Wesely, Wickersham, Withem, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 97 and Governor appointments.

LR	Committee
97	Government, Military and Veterans Affairs

Armbruster, Marlin - Nebr. Motor Vehicle Industry Licensing Bd. -- Transportation

Budke, James W. - Nebr. Motor Vehicle Industry Licensing Bd. -- Transportation

Eirich, Dale - Nebr. Dry Bean Commission -- Agriculture

Holzfaster, F. Jon - Nebr. Dry Bean Commission -- Agriculture

McCullough, Mardy - Nebr. Motor Vehicle Industry Licensing Bd. -- Transportation

Seever, Samuel F. - State Personnel Board -- Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

1995 Resolutions Calling For a Study

61 To study the Nebraska Liquor Control Act
General Affairs

69 Interim study to determine whether Nebraska should adopt the Uniform Common Interest Ownership Act
Judiciary

106 To study the impact on counties of paying for the maintenance of individuals found mentally incompetent to stand trial
Judiciary

107 To study the special use permit process including operation of overwidth and overlength vehicles
Transportation

108 To study the Nebraska laws relating to branding and the brand inspection of livestock
Agriculture

109 To study the effect of legislation affecting homestead exemptions as passed by the Legislature in 1994
Revenue

111 To study the personnel policies of the state's railroad carriers
Business and Labor

112 To study LB 555, 1995, which expands the scope of employment of minors in Nebraska
Business and Labor

113 To study the cost of workers' compensation insurance premiums since the passage of LB 757, 1993

Business and Labor

114 To study the consolidation of job training activities as proposed in LB 885, 1995
Business and Labor

115 To study state laws and issues regarding use of agricultural land in close proximity of areas of urban growth
Agriculture

116 To study the funding and governance of Nebraska community colleges and state colleges
Education

117 To study the protection order provisions of the Protection from Domestic Abuse Act
Judiciary

118 To study the rating practices of automobile insurance premiums
Banking, Commerce and Insurance

119 To study the relationship of tobacco products to minors
Health and Human Services

120 To examine permit requirements to sell tractors in the State of Nebraska
Agriculture

121 To study laws governing the provision of free transportation or a transportation allowance to public school students
Education

122 To study the Grain Dealers Act
Agriculture

123 To study the operating structure and legal authority of diversion programs for traffic offenses
Transportation

124 To study the provisions of adverse possession found in section 25-202
Judiciary

125 To study the licensure and regulation of direct-entry midwives
Health and Human Services

126 To study the emergency medical system function in the State of Nebraska

Health and Human Services

127 To study issues associated with the enactment of concealed-carry legislation in other states
Judiciary

128 To study what Nebraska's response should be to the interstate branching provisions of the federal Riegle-Neal Interstate Banking Act
Banking, Commerce and Insurance

129 To examine using the average personal income of a school district as a factor in determining the local effort rate for school financing
Education

130 To study state statutes requiring state and local public officials to post fidelity or performance bonds
Government, Military and Veterans Affairs

131 Interim study to determine financial responsibility for damages resulting from accidents involving high-level nuclear waste
Natural Resources

132 To study whether Nebraska should rewrite and update statutes regarding credit unions
Banking, Commerce and Insurance

133 To study questions regarding entries made on the Central Register in the Department of Social Services pertaining to child abuse and neglect
Select Committee (3 from Health and Human Services, 3 from Judiciary, 2 from Appropriations)

134 To study methods to promote the collaboration of services by governmental units
Government, Military and Veterans Affairs

135 To study aspects of the publication of legal notices
Government, Military and Veterans Affairs

136 Interim study to determine whether election costs should be allocated by county election officials among political subdivisions
Government, Military and Veterans Affairs

137 To study property tax issues
Government, Military and Veterans Affairs

138 To study the feasibility of requiring law enforcement officials to be trained in cultural sensitivity and/or a second language
Government, Military and Veterans Affairs

139 Interim study to examine the registration of sports agents in Nebraska
Judiciary

141 To study the Nebraska Right to Farm Act
Agriculture

142 To study laws affecting tenants and landlords
Judiciary

143 To study issues relating to administration of the criminal justice system
Judiciary

144 To study the issue of vehicular pursuits by police and liability limitations
Judiciary

145 To study the issue of monopolies and unlawful combinations that relate to monopolies
Judiciary

146 To study the allocation of judicial resources among the district, county, and separate juvenile courts
Judiciary

147 Interim study regarding legislation to create criminal or civil sanctions for parents of juveniles charged with criminal offenses
Judiciary

148 To study issues relevant to LB 881, 1995, proposing the merger of the probation and parole offices under the Department of Correctional Services
Judiciary

149 To study the risk-based corrective action approach to environmental clean-up
Natural Resources

150 To study the beverage container deposit systems in various states
Natural Resources

151 To study the role of temporary employees, SOS and other contractual service employees in state agencies
Appropriations

152 To study the Agriculture Development Program (Budget Program No. 564) relating to use of federal funds
Appropriations

153 To study the number of out-of-state students attending the University of Nebraska or a Nebraska state college
Appropriations

154 To study the number of revolving funds within state agencies
Appropriations

155 To study the computer needs of and information technology upgrades within state agencies
Appropriations

156 To study the creation of the Capitol Construction Fund
Appropriations

157 To study a process that enables the Appropriations Committee and members of the Legislature to consider programs of an agency and their relationship to the budget process
Appropriations

158 To study whether Nebraska should update its statutes regarding abortion clinics
Health and Human Services

159 To study the feasibility of providing a sales and use tax exemption to charitable organizations, organized not for profit
Revenue

160 To study how elementary and secondary education should be financed
Education

161 To study factors involved in the deaths of regional center patients
Health and Human Services/Judiciary

162 To study medical and health care services available to inmates of the Department of Correctional Services
Health and Human Services/Judiciary

163 To study and analyze deaths of inmates while in the custody of the Department of Correctional Services

Judiciary

164 To study the General Principles of Sound Retirement Planning
Nebraska Retirement Systems

165 To study Nebraska's policy on the purchase of prior service credit or "buyback" under the Nebraska public retirement systems
Nebraska Retirement Systems

166 To study the forfeiture of employer contributions under the state and county retirement plans upon termination of employment
Nebraska Retirement Systems

167 To study the treatment of employees who are rehired after the date of retirement or termination
Nebraska Retirement Systems

168 To study whether Nebraska should allow members to rollover contributions from other defined contribution plans into the state or county retirement systems
Nebraska Retirement Systems

169 To study the effect of qualified domestic relations orders on the benefits received under the Nebraska public retirement systems
Nebraska Retirement Systems

170 To study whether Nebraska should provide different or additional retirement benefits to elected officials and employees of elected officials
Nebraska Retirement Systems

171 To study allowing police officers participating in a public retirement system to make voluntary cash contributions
Nebraska Retirement Systems

172 To study the concept of direct election of judges, as posed by LR 12CA, 1995
Judiciary

173 To study the classification of criminal offenses and penalties
Judiciary

174 To study the current method of administration of county government in Class 7 counties
Government, Military and Veterans Affairs

175 To study whether Nebraska should enact the Uniform Custodial Trust Act
Banking, Commerce and Insurance

176 To study Nebraska's statutes regarding deposit of public funds in financial institutions
Banking, Commerce and Insurance

177 To study whether Nebraska should replace current nonprofit corporation statutes by enactment of a version of the Revised Model Nonprofit Corporation Act
Banking, Commerce and Insurance

178 To study whether Nebraska should enact legislation providing for licensure and regulation of insurance adjusters
Banking, Commerce and Insurance

179 To study and investigate services to patients at the state's regional centers and community mental health centers
Health and Human Services

180 To study and develop criteria for the introduction of legislative resolutions
Rules

181 To study how best to eliminate the State Board of Equalization and Assessment and implement the Tax Equalization and Review Commission
Revenue

182 To study the need for health insurance coverage for diagnosis and nonexperimental treatment of infertility
Banking, Commerce and Insurance

183 To study the effectiveness of due process rights and procedures for Nebraskans with severe and persistent mental illness
Health and Human Services

184 To study the regulatory and statutory and procedural due process protections to protect Nebraskans with severe mental illness
Health and Human Services

185 To study recommendations for evaluating the impact of managed care on mental health service delivery to Nebraskans
Health and Human Services

186 To study the impact of limitations of mental health coverage in private insurance contracts
Health and Human Services

187 To study the placement of legal counsels from all or certain state agencies under the direction of the Attorney General
Judiciary

188 To study the feasibility of a system of state-issued drivers' licenses
Transportation

189 To study objectives in Nebraska's family policy objectives and the Juvenile Services Act
Health and Human Services

190 To study the need for supplemental programs in public schools for learners with high ability
Executive Board

191 To study issues relating to public libraries
General Affairs

192 To study the impact that gaming in bordering states has on certain activities in the State of Nebraska
General Affairs

193 To study types of gaming which generate revenue for charitable purposes
General Affairs

194 To study the structure of gaming commissions
General Affairs

195 To study the economic benefits of live horseracing in Nebraska
General Affairs

196 To study the roles of the Liquor Control Commission and local governing bodies in relation to regulation of retail liquor sales
General Affairs

197 To study whether scope of practice restrictions prohibits use of nontraditional alternatives to standard medical treatment of disease
Health and Human Services

198 To study various types of legalized gaming and the differing levels of prize payout
General Affairs

199 To study the effect of bail statutes and practices in Nebraska
Judiciary

200 To study statutes which control the purchasing and bidding functions of municipalities of all types and classes
Urban Affairs

201 To study and review the Local Option Municipal Economic Development Act
Urban Affairs

202 To study statutes governing the creation and operation of sanitary and improvement districts
Urban Affairs

203 To study the regulation process under provisions of the Municipal Natural Gas Regulation Act
Urban Affairs

204 To study powers, duties, and authority of municipal boards of adjustment or boards of appeals
Urban Affairs

205 To provide a forum for municipalities and citizens to present issues to the Urban Affairs Committee
Urban Affairs

206 To study issues which would reduce Nebraska's dependence on property tax
Members of Revenue, Chairs of Judiciary, Transportation, Government, Military and Veterans Affairs, Education, Urban Affairs, Health and Human Services, Natural Resources, and Executive Board be designated to coordinate the research

207 To study issues relating to property tax relief and state aid to schools
Education

208 To study issues relating to property tax relief and state financed delivery of local human services
Health and Human Services

209 To study issues relating to property tax relief and funding of law enforcement, criminal prosecution and defense and corrections
Judiciary

210 To study issues relating to property tax relief and the ability of natural resources districts to provide services
Natural Resources

211 To study issues relating to property tax relief and the proper distribution of the property tax levying authority
Revenue

212 To study issues relating to property tax relief and ability of cities and counties to finance transportation-related functions
Transportation

213 To study issues relating to property tax relief and ability of cities, villages, and sanitary and improvement districts to provide public services
Urban Affairs

214 To study the impact on state budgets of using the Consumer Price Index to escalate welfare program costs
Health and Human Services

215 To study limiting the first session of each biennium to budget issues only
Executive Board

216 To study health care availability for uninsured children
Banking, Commerce and Insurance/Health and Human Services

217 To study the scope of contracting by state agencies
Appropriations

219 To study the effect of the federal Employees Retirement Income Security Act restrictions on the health care delivery system
Health and Human Services

220 To study the state government organization of health and human services
Health and Human Services

221 To study various issues relating to managed health care
Health and Human Services

222 To study issues concerning long-term care in Nebraska
Health and Human Services

223 To study the regulation by the state of telecommunications companies, the railroad industry, and motor carriers
Transportation

224 To study the administrative license revocation process
Transportation

225 To study and review when jury trials are allowed under state law and city ordinance and determine the fiscal impact of changes in statutes
Judiciary

226 To study the impact of the no-fault divorce law
Judiciary

227 To study administration and collection of fees and licenses associated with the Litter Reduction and Recycling Act
Natural Resources

228 To study methods of funding legal service providers with filing fee surcharges
Judiciary

229 To study curriculum development in higher educational institutions to determine whether new teachers will be proficient in technological advances
Education

230 To study the examination and reporting procedures relating to special education aid growth, as proposed in LB 742, 1995
Executive Board

231 To study the impacts of the centralization of state government offices on different geographic regions within the state
Government, Military and Veterans Affairs

232 To study feasibility of establishing a noncommercial truck and trailer license classification
Transportation

233 To study the State Government Effectiveness Act
Government, Military and Veterans Affairs

234 To study the formulas or procedures utilized by the Department of Roads for allocating funds and prioritizing projects under the Highway Allocation Fund

Transportation

235 To study the possibility of creating the Affordable Housing Trust Fund
Appropriations

236 To study and determine if law enforcement can effectively protect the public from firearm crimes
Judiciary

237 To study incarceration of violent criminals and means available to law enforcement for prevention of subsequent violent crimes upon release
Judiciary

238 To study the effectiveness of the economic development efforts of other states
Revenue

239 To study the possibility of expanding the jurisdiction of the Agriculture Committee of the Legislature
Executive Board

240 To study the impact of legislation passed in 1994 to change homestead exemption provisions
Revenue

241 To study the impact of equal access to pharmaceutical manufacturers discounts on the operations and costs of the Medicaid program
Health and Human Services

242 To study the overall standing committee system of the Legislature
Executive Board

243 To study the current statues, rules, and regulations regarding liability provisions for remediation and long-term care of low-level radioactive waste
Natural Resources

244 To study laws governing radiation control activities in Nebraska
Health and Human Services

245 To study the electric utility industry in Nebraska
Natural Resources

246 To study integrated management of ground water and surface water in the state
Natural Resources

247 To study water contamination in the State of Nebraska
Natural Resources

248 To study the operating structure and legal authority of the Game and Parks Commission
Natural Resources

249 To study Nebraska governmental entities overseeing natural resources
Natural Resources

250 To study issues relating to low-level radioactive waste
Natural Resources

251 To study issues related to environmental risk, regulation, enforcement, and compliance
Natural Resources

252 To study the Nebraska Litter Reduction and Recycling Act
Natural Resources

253 To study the tax impact on various constituencies and on the cost of education by continued ownership of school lands by the State of Nebraska
Education

254 To study the physical state and accessibility of Nebraska's abandoned, pioneer, and Native American burial grounds and cemeteries
Government, Military and Veterans Affairs

255 To study the Emergency Planning and Community Right-to-Know program in the State of Nebraska
Government, Military and Veterans Affairs

256 To study of the impact of Nebraska's educational institutions upon the state's economic development efforts
Business and Labor

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 371. E & R amendment, AM7163, printed separately from the Journal and referred to on page 2407, was adopted.

Mr. Lindsay requested a ruling of the Chair on the order in which the amendments will be considered on the bill.

The Chair ruled the amendments will be taken up in the order that they were filed to the bill and any amendments that were filed to the Standing Committee amendments would have to be refiled to the bill.

Mr. Maurstad challenged the ruling of the Chair stating that those amendments filed to the second set of Standing Committee amendments should be considered first then the remaining amendments in the order they were filed. The question is, "Shall the Chair be overruled?"

Mr. Maurstad withdrew his motion to overrule the Chair.

Mr. Lindsay asked unanimous consent to replace the Withem pending amendment, AM0998, found in the Journal on page 1128, with a substitute amendment. No objections. So ordered.

The Withem amendment, AM0998, found in the Journal on page 1128, was withdrawn.

Mr. Lindsay offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2502.)

Mr. Lindsay asked unanimous consent to replace his pending amendment, AM2502, on file in the Clerk's Office and referred to in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his amendment, AM2502, on file in the Clerk's Office and referred to in this day's Journal.

Mr. Lindsay offered the following substitute amendment:
AM2507

(Amendments to E & R amendments, AM7163)

1. Strike sections 9 and 16 and insert the following new sections:

"Sec. 27. Section 83-925.07, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1996. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 28. Sections 28 to 39 of this act shall be known and may be cited as the Sex Offender Registration Act.

Sec. 29. The Legislature finds that sex offenders present a high risk to commit repeat offenses. The Legislature further finds that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pled guilty to or have been found guilty of sex offenses and who live in their jurisdiction. The Legislature further finds that state policy should assist the efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

Sec. 30. (1) The Sex Offender Registration Act shall apply to any person who on or after January 1, 1996:

(a) Pleads guilty to or is found guilty of (i) a violation of section 28-319, 28-320, or 28-320.01 or (ii) an attempt, a solicitation, or a conspiracy to commit an offense listed in subdivision (1)(a)(i) of this section;

(b) Enters the state and has pled guilty to or has been found guilty of any offense in another state, territory, commonwealth, or other jurisdiction of the United States that is substantially equivalent to the offenses listed in subdivision (1)(a) of this section; or

(c) Is incarcerated in a jail, a penal facility, or any other public or private institution or is under probation or parole as a result of pleading guilty to or being found guilty of an offense listed in subdivision (1)(a) of this section prior to January 1, 1996.

(2) The registration requirements of the act shall not apply to any person while he or she is incarcerated in a jail, a penal facility, or any other public or private institution.

Sec. 31. (1) Any person who becomes subject to the Sex Offender Registration Act shall register with the sheriff of the county in which the person resides or is temporarily domiciled within five working days of becoming subject to the act.

(2) If there is an address change for a person required to register, the person shall inform the sheriff with whom that person last registered of the new address, in writing, within five working days of the change. The sheriff shall forward this information to the sheriff in the new jurisdiction where the person is relocating and would be required to register within five working days of the receipt of the new address.

(3) Each sheriff shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the Nebraska State Patrol within five working days. The Nebraska State Patrol shall maintain a central registry of sex offenders required to register under the act.

Sec. 32. Any person to whom the Sex Offender

Registration Act applies shall be required to register during any period of probation or parole and shall continue to comply with the act for a period of ten years after the date of discharge from probation, parole, or release from incarceration, whichever date is most recent.

Sec. 33. Registration shall be in a form approved by the Nebraska State Patrol and shall include the following information:

(1) The name and all aliases which the person has used or under which the person has been known;

(2) A complete description of the person, including date of birth, social security number, photographs, and fingerprints;

(3) A listing of each offense covered in section 31 of this act to which the person pled guilty or was found guilty, the jurisdiction where each offense was committed, the court in which the person pled guilty or was found guilty of each offense, and the name under which the person pled guilty or was found guilty of each offense;

(4) The name and location of each jail, penal facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined; and

(5) The address of current residence and place of employment.

Sec. 34. (1) The court shall provide written notification of the duty to register at the time of sentencing to any defendant who has pled guilty or has been found guilty of an offense listed in subdivision (1)(a) of section 30 of this act. The written notification shall be signed by the defendant and retained by the court. A copy of the notification shall be provided to the county attorney and the defendant.

(2) The Department of Correctional Services shall provide written notification of the duty to register pursuant to the Sexual Offender Registration Act to any person committed to its custody for an offense listed in subdivision (1)(a) of section 30 of this act prior to the person's release from incarceration. The written notification shall be signed by the person and retained by the department. A copy of the notification shall be provided to the person.

(3) The sheriff of each county shall cause written notification of the duty to register to be provided to any person who enters this state from another jurisdiction and makes application for a motor vehicle operator's license. The written notification shall be signed by the person and retained by the sheriff's office. A copy of the notification shall be provided to the person.

(4) All written notification as provided in this section shall be on a form prepared by the Attorney General.

Sec. 35. No person subject to the Sex Offender Registration Act shall willfully furnish any false or misleading information in the registration.

Sec. 36. Access to information obtained under the Sex Offender Registration Act shall be restricted and provided only to law enforcement agencies or their authorized representatives pursuant to rules and regulations adopted by the Nebraska State Patrol in consultation with the Attorney General.

Sec. 37. (1) Any person having a duty to register under the Sex Offender Registration Act may file a petition with the district court for an order to expunge the information.

(2) The petition shall be filed in the district court of the county in which the petitioner was convicted of an offense listed in section 30 of this act. If the petitioner was convicted in another state, the petition shall be filed in the district court of the county in which the petitioner resides. The county attorney shall be named as the respondent and shall be served with a copy of the petition.

(3) The court may grant the petition and issue an order to expunge the information if the petitioner shows by clear and convincing evidence that the (a) petitioner's duty to register has expired, (b) petitioner does not have a criminal charge pending and is not under criminal investigation for an offense listed in section 30 of this act, and (c) petitioner is not a substantial risk to commit another offense listed in section 30 of this act.

Sec. 38. Any person required to register under the Sex Offender Registration Act who violates the act is guilty of a Class IV felony.

Sec. 39. The Attorney General and the Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the Sex Offender Registration Act.

Sec. 40. Sections 15, 16, 22, 28 to 39, and 42 of this act become operative on January 1, 1996. The other sections of this act become operative on their effective date.

Sec. 42. Original sections 47-616, 83-1,107, and 83-4,114.01, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 3, line 23; page 4, lines 1, 2 through 7, and 15 through 27; and page 5, lines 1 and 2, strike the new matter.

3. On page 10, line 11, strike "The" and show as stricken and before "crimes" insert "Unless the possession, use, or discharge of a firearm is an element of the felony being committed, the"; and in lines 25 through 26 strike "a deadly weapon other than a firearm" and insert "brass or iron knuckles".

4. On page 11, lines 2 and 19, strike "II" and insert "III".

5. On page 14, line 22; and page 15, line 4, strike "mandatory".

6. On page 22, line 13, strike "Beginning January 1, 1996, the" and reinstate the stricken "The".

7. On page 23, line 16, strike "Any" and insert "The committed offender's successful completion of any".

8. On page 24, line 14, strike "effective date of this act" and insert "operative date of this section"; reinstate the stricken matter beginning with the stricken "A" in line 21 through the stricken "offender" in line 24; and in line 24 after the stricken "offender" insert an underscored period.

9. On page 25, line 15, strike "A" and insert "Beginning January 1, 1996, a".

10. On page 30, line 13, strike "secure confinement" and insert "adult correctional".

11. On page 31, line 25, strike "43-2,105, 47-616, 83-1,107,"; and in line 26 strike "83-4,114.01" and insert "83-925.07".

12. On page 32, line 1, strike "28-1212.02,".

13. Renumber the remaining sections and correct internal references accordingly.

Messrs. Jones and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the Lindsay amendment.

The Chair sustained the division of the question.

The first Lindsay amendment is as follows:
FA292

(Amendments to E & R amendments, AM7163)

3. On page 10, line 11, strike "The" and show as stricken and before "crimes" insert "Unless the possession, use, or discharge of a firearm is an element of the felony being committed, the";

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad offered the following amendment to the first Lindsay pending amendment:
AM2316

(Amendments to Standing Committee amendments, AM2061)

1. Insert the following new sections:

"Sec. 6. Section 28-1201, Revised Statutes Supplement, 1994, is amended to read:

28-1201. For purposes of sections 28-1201 to 28-1212 and sections 35 to 43 of this act, unless the context otherwise requires:

(1) Firearm ~~shall mean~~ means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice ~~shall mean~~ means any person who

has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile ~~shall mean~~ means any person under the age of eighteen years;

(4) Knife ~~shall mean~~ means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles ~~shall mean~~ means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun ~~shall mean~~ means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle ~~shall mean~~ means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(8) Short shotgun ~~shall mean~~ means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 7. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds is a Class IV misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall

be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 35. Sections 35 to 43 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 36. For purposes of the Gun-Free School Zone Act gun-free school zone means the area within a distance of one thousand feet from the grounds of any public, private, or parochial facility or institution which provides elementary or secondary education.

Sec. 37. No person shall knowingly possess a firearm in violation of section 28-1202, 28-1203, 28-1204, 28-1204.01, 28-1205, 28-1206, 28-1207, 28-1212.02, or 28-1212.03 in a gun-free school zone.

Sec. 38. A gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times while set apart as a gun-free school zone. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected and maintained.

Sec. 39. (1) Except as provided in subsection (2) of this section, no person shall knowingly or with reckless disregard for the safety of another discharge or attempt to discharge a firearm in a gun-free school zone.

(2) Subsection (1) of this section does not apply to the discharge or attempted discharge of a firearm:

(a) By a person participating in a program approved by a school in a gun-free school zone;

(b) By a person in accordance with a contract entered into between a school in a gun-free school zone and the person or an employer of the person;

(c) By a person who is a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or who is a peace officer acting in his or her official capacity;

(d) By a properly licensed hunter legally hunting on private or public land;

(e) By a person in lawful possession of a firearm on his or her own private property or a person who is a tenant in lawful possession of a firearm on his or her rented property; or

(f) By a person in lawful possession of a firearm on private property with the permission of the property owner or the permission of the tenant of the property owner if the tenant has that authority.

(3) Nothing in the Gun-Free School Zone Act shall be construed as preempting or preventing a political subdivision from enacting an ordinance or passing a resolution establishing gun-free school zones as provided in the act.

Sec. 40. Any person who violates the Gun-Free School Zone Act is guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. A sentence of imprisonment under the act shall not run concurrently but shall run consecutively with any other jail term imposed.

Sec. 41. In addition to the penalties provided in section 40 of this act, any person who violates the Gun-Free School Zone Act and is a student in any school in this state may be expelled from his or her school for one year for the first offense and shall be expelled for one year for a second or subsequent offense in accordance with policies adopted by the school or the school district. The person shall be afforded a formal due process hearing in the manner provided in Chapter 79.

Sec. 42. In addition to the penalties provided in section 40 of this act, any person who is convicted of violating the Gun-Free School Zone Act and is an employee or independent contractor of any school or school district in this state may have his or her employment or contract immediately terminated. Such person shall be afforded a formal due process hearing as provided in section 79-12,115.

Sec. 43. Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated and disposed of as provided in section 28-1204.04.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Schellpeper requested a ruling of the Chair on whether the Maurstad amendment is germane to the first Lindsay amendment.

The Chair ruled the Maurstad amendment is germane to the first Lindsay amendment.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Engel and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Maurstad requested a roll call vote, in reverse order, on the Chambers motion to overrule the Chair.

Voting in the affirmative, 21:

Avery
Bernard-Stevens
Beutler
Chambers
Coordsen
Cudaback
Dierks
Fisher
Hartnett
Hudkins
Janssen
Kristensen
Lindsay
Preister
Robinson
Schellpeper
Schmitt
Schrock
Warner
Wehrbein
Witek

Voting in the negative, 14:

Abboud
Bromm
Brown
Crosby
Jensen
Landis
Matzke
Maurstad
Pirsch
Schimek
Vrtiska
Wesely
Wickersham
Will

Present and not voting, 5:

Bohlke
Day
Elmer
Hall
McKenzie

Excused and not voting, 9:

Brashear
Engel
Hillman
Jones
Lynch
Pedersen
Robak
Stuhr
Withem

The Chambers motion to overrule the Chair prevailed with 21 ayes, 14 nays, 5 present and not voting, and 9 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

Messrs. Landis, Janssen, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

The first Lindsay pending amendment, FA292, was renewed.

Mmes. Bohlke and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mrs. Witek requested a roll call vote, in reverse order, on the first Lindsay amendment.

Voting in the affirmative, 19:

Avery
Bernard-Stevens
Beutler
Brashear
Chambers
Crosby
Day
Hall
Hartnett
Landis
Lindsay
Preister
Schellpeper
Schimek
Schmitt
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 10:

Abboud
Bromm
Coordsen
Fisher
Jensen
Kristensen
Maurstad
Pirsch
Warner
Witek

Present and not voting, 11:

Brown
Cudaback
Dierks
Hudkins
Janssen
Jones
Matzke
Robinson
Schrock
Stuhr
Vrtiska

Absent and not voting, 1:

Elmer

Excused and not voting, 8:

Bohlke
Engel
Hillman
Lynch
McKenzie
Pedersen
Robak
Withem

The first Lindsay amendment lost with 19 ayes, 10 nays, 11 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Landis and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend the rules, Rule 3, Section 13 in order to allow the scheduling of a public hearing upon Gubernatorial appointments by the Committee on Transportation on Tuesday, May 30, 1995.

Laid over.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE RESOLUTION 43CA. Placed on General File as amended.
Standing Committee amendment to LR 43CA:
AM2406

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 '(1) ~~Except as provided in this section, the~~ The Legislature ~~shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time~~ may authorize games of chance, lotteries, or gift enterprises as provided in this section.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely

as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) The Legislature may authorize and regulate games of chance, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, for job creation and economic development, or for the promotion of agriculture. Such games of chance shall include, but not be limited to, casino gaming activities, player-activated electronic, video, or mechanical gaming devices, dice, card games of chance, and table games of chance.

(5) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to permit the Legislature to authorize and regulate games of chance, including player-activated electronic, video, or mechanical gaming devices and use of the proceeds for charitable or community betterment purposes, civic benefit, tax relief, job creation and economic development, or the promotion of agriculture.

For

Against'.".

(Signed) Stan Schellpeper, Chairperson

MOTION - Rerefer LB 505 to Committee

Mr. Bernard-Stevens moved to rerefer LB 505 to committee.

Laid over.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

William Skarda - Nebraska Liquor Control Commission
Matt Pelzer - Nebraska Advisory Commission on Compulsive Gambling

VOTE: Aye: Senators Cudaback, Elmer, Hall, Hartnett, Hudkins, Robinson, Schellpeper, and Will. Nay: None. Absent: None.

(Signed) Stan Schellpeper, Chairperson

SELECT FILE

LEGISLATIVE BILL 371. The second Lindsay amendment is as follows:
FA293

(Amendments to E & R amendments, AM7163)

"Sec. 27. Section 83-925.07, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1996. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

MR. BERNARD-STEVENS PRESIDING

Mr. Cudaback offered the following amendment to the second Lindsay pending amendment:
FA302

Amend FA293

On page 1, line 21, place a period after the word "confinement." and strike the language starting with "in" in line 21 through the word "class" in line 22.

On pg. 2, line 25, put a period after the word "established" and strike the balance of the sentence through the word class in line 26.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?"

Mr. Wickersham moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Cudaback amendment was adopted with 27 ayes, 14 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

MR. HALL PRESIDING

Mr. Lindsay offered the following amendment to the second Lindsay pending amendment:
FA303

Amend AM2507 (FA293) as follows:

1. On page 2, line 25, after "established" insert "in a county having a city of the metropolitan class."

Mr. Bernard-Stevens moved to reconsider the Cudaback amendment, FA302, to FA293 of LB 371.

PRESIDENT ROBAK PRESIDING

Messrs. Wesely and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Bernard-Stevens motion to reconsider prevailed with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

The Cudaback amendment, FA302, found in this day's Journal, to the second Lindsay pending amendment, was reconsidered.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Cudaback requested a record vote on his reconsidered amendment.

Voting in the affirmative, 14:

Avery
Bromm
Coordsen
Cudaback
Dierks
Engel
Fisher
Hudkins
Janssen
Matzke

Robinson
Schellpeper
Schrock
Stuhr

Voting in the negative, 20:

Abboud
Bernard-Stevens
Brashear
Brown
Crosby
Day
Elmer
Hall
Hartnett
Jensen
Landis
Lindsay
McKenzie
Pirsch
Preister
Robak
Schimek
Warner
Witek
Withem

Present and not voting, 9:

Beutler
Bohlke
Chambers
Kristensen
Maurstad
Schmitt
Vrtiska
Wehrbein
Wickersham

Excused and not voting, 6:

Hillman
Jones
Lynch
Pedersen
Wesely
Will

The Cudaback reconsidered amendment lost with 14 ayes, 20 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 455, 559, 742, and 742A.

Enrollment and Review Change to LB 455

The following changes, required to be reported for publication in the Journal, have been made:
ER9092

1. In the Hall amendment, FA282, "1997" has been struck and ", 1997." inserted.
2. In the Wesely et al. amendment, FA280, "60th" has been struck and "sixtieth" inserted and "75th" has been struck and "seventy-fifth" inserted.
3. In the Bohlke amendment, FA272 of AM2405, on page 5, line 3, the first comma has been struck; and in line 6 the second comma has been struck.
4. In the Bohlke-Chambers amendment, AM2475, on page 1, line 3, the comma has been struck.
5. In the E & R amendments, AM7123:

a. The following new section has been inserted:

"Sec. 25. Original sections 43-504 and 68-1020, Reissue Revised Statutes of Nebraska, are repealed.";

b. On page 22, line 16, "Section 22 of this act becomes" has been struck and "Sections 1, 5, 6, 25, and 28 of this act become" inserted; in line 19 "43-504," has been struck;

c. On page 23, line 6, "and 68-131" has been struck and "68-131, and 68-1020" inserted; in line 9 "aid to dependent children, medicaid," has been inserted after the second "to"; in line 11 "a report" has been struck and "reports, recommendations, and studies" inserted; and in line 12 "and a task force" has been inserted after "committee"; and

d. Sections have been renumbered to reflect all amendments.

Enrollment and Review Change to LB 742

The following changes, required to be reported for publication in the Journal, have been made:
ER9093

1. Because of the adoption of the Stuhr amendment, FA287, in the McKenzie-Bernard-Stevens amendment, AM2114, on page 10, line 7, "member" has been struck, shown as stricken, and "members" inserted.

2. Because of the Bromm-Bernard-Stevens amendment, AM2483, in the McKenzie-Bernard-Stevens amendment, AM2114, sections 11, 12, and 13 have been renumbered as sections 12, 13, and 14, respectively.

3. In the Bohlke amendment, AM2156:

a. On page 2, line 11, "federal" has been inserted before "Individuals"; and

b. On page 3, line 17, both occurrences of "Committee on" have been struck; and in lines 17 and 18 "Committee" has been inserted after the first "Education".

4. In the McKenzie-Bernard-Stevens amendment, AM2114:

a. On page 3, line 26, "through" has been struck and "to" inserted and the comma has been struck;

b. On page 4, line 26; and page 5, line 8, "federal" has been inserted after "the";

c. On page 5, line 4, "state-governed" has been struck and "state general" inserted;

d. On page 11, line 8, "block grant" has been struck; and in line 9 the comma has been struck; and

e. On page 14, lines 5 and 9, "block grant or alternative" has been struck; and in line 19 "79-3303," has been struck.

5. On page 1, the matter beginning with "79-3325" in line 1 through line 4 and all amendments thereto have been struck and "79-3301, 79-3325, 79-3332, 79-3333, 79-3366, and 79-3368, Reissue Revised Statutes of Nebraska; to state findings and intent; to define a term; to provide powers and duties relating to special education; to change reimbursement provisions for special education; to provide for waiver of rules and regulations; to harmonize provisions; to provide a termination date; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 742A

The following changes, required to be reported for publication in the Journal, have been made:

ER9094

1. Because of the adoption of the McKenzie amendment, AM2489, the remaining sections have been renumbered accordingly.
2. On page 1, line 1, "40" has been struck and "41" inserted; and in line 6 "to transfer funds;" has been inserted after the first semicolon.
3. On page 2, lines 1 and 3; and page 7, line 17, "40" has been struck and "41" inserted.
4. On page 5, lines 18 and 23, "years" has been inserted after "five".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Jones and Jensen asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM2431

(Amendments to E & R amendments, AM7155)

1. Insert the following new sections:

"Sec. 3. For purposes of sections 3 to 5 of this act, base year means the fiscal year ending June 30, 1996, and shall be used to determine a net General Fund receipt limitation in succeeding fiscal years for state government.

Sec. 4. Beginning with the base year, General Fund appropriations for fiscal year 1997-1998 shall be authorized by the Legislature assuming that anticipated net General Fund receipts increase no greater than eight and two-tenths percent over the base year. Each succeeding fiscal year shall anticipate net receipts to increase no more than four percent over the prior fiscal year.

Sec. 5. Actual net General Fund receipts collected in any fiscal year beginning with fiscal year 1997-1998 in excess of the limitation set forth in section 4 of this act shall be transferred by the State Treasurer to the Cash Reserve Fund within sixty days of the last day of the fiscal year.

Sec. 6. Section 77-4602, Revised Statutes Supplement, 1994, is amended to read:

77-4602. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 77-4601.

(2) Within fifteen days after the end of each fiscal

quarter, the public statement shall also include a summary of actual General Fund net receipts and estimated General Fund net receipts for the preceding three months.

(3) If the actual General Fund net receipts for the preceding three months as reported in subsection (2) of this section exceed estimated receipts for the three-month period, the Tax Commissioner shall immediately certify to the Director of Administrative Services such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount. If the actual General Fund net receipts for the preceding three months are less than estimated General Fund net receipts for the three-month period, the Tax Commissioner shall immediately certify such amount to the director. If there are sufficient funds in the Cash Reserve Fund, the director shall authorize the State Treasurer to transfer the amount certified from the Cash Reserve Fund to the General Fund.

(4) This section terminates on August 1, 1997.

Sec. 9. Section 84-612, Reissue Revised Statutes of Nebraska, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.

(5) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.

(6) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.

(7) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(8) The State Treasurer shall transfer funds from the

Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services pursuant to section 77-4602. This subsection terminates on August 1, 1997.

(9) The State Treasurer shall make transfers as set forth in section 5 of this act.".

2. On page 7, line 15, strike "and" and insert a comma and after the comma insert "and 84-612,"; and in line 16 strike "section 77-3437" and insert "sections 77-3437 and 77-4602".

3. Renumber the remaining sections accordingly.

APPROPRIATIONS COMMITTEE REPORT ON LB 391

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 391 (Capital Construction) as follows:

	---Budget Biennium---		
	FY95-96	FY96-97	-Future-
Cottage renovations, BSDC, Dept. of Public Institutions, Sec. 11 of bill.	$360,000	$360,000	$--0--
Best use of renovation, Diagnostic Evaluation Center, Dept. of Corrections Sec. 25.	(1)	910,000	630,000
Best use renovation, Lincoln Correctional Center, Dept of Corrections Sec. 26.	(2)	234,000	--0--
Comprehensive facilities plan, Curtis, University of Nebraska Sec. 43.	25,000	(3)	--0--
TOTAL VETOES	$385,000	$1,504,000	$630,000

NOTE: All amounts are State Building Fund (SBF) appropriations.

(1) $45,000 SBF remains in this FY for development of program statements.
(2) $35,000 SBF remains in this FY for development of program statements.
(3) $25,000 SBF remains in this FY for comprehensive plan development.

The four cottages at Beatrice State Development Center have 25 year old heating and air conditioning systems that are in need of replacement and are not in compliance with the Americans with Disabilities Act. If the cottages are closed due to inoperable systems and ADA violations, then a permanent relocation of 64 clients will be necessary. The cost to house the 64 clients somewhere other than the cottages is projected to be considerably higher than the renovation cost of the cottages.

Funding of the 'Best Use' renovation at both the Diagnostic and Evaluation Center and the Lincoln Correctional Center will concentrate the majority of inmates requiring intensive management and segregation into one institution, the current Diagnosis and Evaluation Center. The concentration of special needs population in one institution allows other institutions (ie the Nebraska State Penitentiary and the Omaha Correctional Center), to concentrate on the inmate work, programming and educational programs for which they are best suited. Reallocation of existing staff resources among institutions will allow more effective use of staff because those inmates requiring the closest supervision will all be located at an institution particularly suited to control inmate movement and supervision. Under this plan, flexibility is provided at both institutions regarding the amount of housing to both the diagnostic and evaluation function (LCC) and the mix of various types of segregation housing (DEC). Population projections show potential annual growth of 2.5% per year for the next five years (70 inmates per year). Along with the growth in the general inmate population, the number of inmates requiring segregation and special management is likely to increase proportionately. If the best use renovation is done, the need for additional maximum security facilities in the foreseeable future should be minimized. NOTE: The bill as passed includes language specifying that for both facilities no money shall be expended for construction until program statements for these projects have been submitted and approved according to statute.

The Appropriations Committee's recommendation contained in LB391 included funding for the development of a comprehensive campus facilities plan for the Nebraska College of Technical Agriculture (NCTA) at Curtis. A comprehensive facilities plan is necessary to address the facility needs for the new programs and majors which were developed in response to statutory changes in its role and mission in 1988. The last plan was developed in 1972-73. In addition, since the new Associate Dean and Campus Director will be on board by July, 1995, it is important that this person have the resources available to logically plan for future utilization and development of campus facilities.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

SELECT FILE

LEGISLATIVE BILL 371. Mr. Lindsay withdrew his amendment, FA303, found in this day's Journal, to the second Lindsay pending amendment, FA293.

Messrs. Abboud and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the second Lindsay pending amendment:
FA304
Amend FA293 (AM2507)
Page 1, lines 7-10 - strike and show as stricken.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay asked unanimous consent to withdraw FA293, found in this day's Journal, and the remaining portions of AM2507.

Mr. Chambers objected.

Mr. Lindsay moved to withdraw FA293, found in this day's Journal, and the remaining portions of AM2507.

Messrs. Wickersham, Wehrbein, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on the Lindsay motion to withdraw his amendments.

Voting in the affirmative, 30:

Avery
Bohlke
Bromm
Brown
Coordsen
Crosby
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Witek

Voting in the negative, 5:

Bernard-Stevens
Beutler
Chambers
Hall
Preister

Present and not voting, 4:

Robak
Robinson
Schimek
Withem

Excused and not voting, 10:

Abboud
Brashear
Cudaback
Hartnett
Hillman
Lynch
Pedersen
Wehrbein
Wickersham
Will

The Lindsay motion to withdraw his amendments prevailed with 30 ayes, 5 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending

UNANIMOUS CONSENT - Print in Journal

Mmes. Bohlke, Pirsch, and Mr. Withem asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM2499

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 79-4,169, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,169. Sections 79-4,169 to 79-4,205.02 and section 6 of this act shall be known and may be cited as the Student Discipline Act.

Sec. 2. Section 79-4,179.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,179.01. A school district that has expelled a student may suspend the enforcement of such expulsion for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect and may, as a condition of such suspended action, assign the student to a school, class, or alternative educational program which the school district deems appropriate for rehabilitation of the student. Any two or more school boards may join together in providing such schools, classes, or programs. Any ~~, and any~~ district may by agreement with another district send its suspended or expelled students to any school, class, or program already in operation by such other ~~school~~ district, and in such case the district sending the student shall reimburse such other district's cost per pupil for each student sent by the sending district. ~~Reimbursement under this section shall be in accordance with the Tax Equity and Educational~~

~~Opportunities Support Act.~~ In lieu of other authorized educational programs to which the student may be assigned, such school, class, or program may be offered as a community-centered classroom and may include experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, and as a participant in specialized tutorial experiences or individually prescribed educational and counseling programs. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. Beginning January 1, 1997, each school district shall have an alternative school, class, or educational program available or in operation, either within the district or through agreement with one or more other districts, for all students expelled or whose expulsion has been suspended under this section. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs.

At the conclusion of the designated period, the school district shall (1) reinstate any student who has satisfactorily participated in the school, class, or program to which such student has been assigned and permit the student to return to the school of former attendance or to attend other programs offered by the district or (2) if the student's conduct has been unsatisfactory, enforce the expulsion action.

If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

Sec. 3. Section 79-4,180, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,180. The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event: ~~or during an educational function or event off school grounds:~~

(1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;

(2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;

(3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;

(4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of

value from such student;

(5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;

(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 or being under the influence of a controlled substance or alcoholic liquor;

(7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;

(8) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at an educational function or event. For purposes of this subdivision, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree as defined in sections 28-319 and 28-320, as such sections now provide or may hereafter from time to time be amended;

(9) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or

(10) A repeated violation of any rules and standards validly established pursuant to section 79-4,176 if such violations constitute a substantial interference with school purposes.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

Sec. 4. Section 79-4,195, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,195. (1) After a hearing requested under sections 79-4,181 and 79-4,182, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, ~~or~~ mandatory reassignment, or an alternative educational placement under section 79-4,197.01.

(2) A review shall be made of the hearing examiner's report by the superintendent, who may change, revoke, or impose the sanction recommended by the hearing examiner but shall not impose a sanction more severe than that recommended by the hearing examiner.

(3) The findings and recommendations of the hearing examiner, the determination by the superintendent, and any

determination on appeal to the governing body, shall be made solely on the basis of the evidence presented at the hearing or, in addition, on any evidence presented on appeal.

Sec. 5. Section 79-4,196, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,196. (1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-4,195 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsection (3) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (4) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-4,180 or (b) the knowing and intentional possession, use, or transmission of a ~~firearm or other~~ dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 6 of this act. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically

scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

Sec. 6. (1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or school board to modify the expulsion requirement on an individual basis.

(2) Each school district shall provide annually to the State Department of Education:

(a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and

(b) A description of the circumstances surrounding any expulsions imposed under the policy required by subsection (1) of this section, including:

(i) The name of the school concerned;

(ii) The number of students expelled from the school; and

(iii) The types of weapons concerned.

Sec. 7. Original sections 79-4,169, 79-4,179.01, 79-4,180, 79-4,195, and 79-4,196, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Maurstad asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM2496

(Amendments to AM2493)

1. Insert the following new sections:

"Section 1. Section 28-1201, Revised Statutes Supplement, 1994, is amended to read:

28-1201. For purposes of sections 28-1201 to 28-1212 and sections 3 to 11 of this act, unless the context otherwise requires:

(1) Firearm ~~shall mean~~ means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice ~~shall mean~~ means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile ~~shall mean~~ means any person under the age of eighteen years;

(4) Knife ~~shall mean~~ means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles ~~shall mean~~ means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun ~~shall mean~~ means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle ~~shall mean~~ means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(8) Short shotgun ~~shall mean~~ means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 2. Section 28-1204.04, Revised Statutes Supplement, 1994, is amended to read:

28-1204.04. (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds is a Class IV misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned

vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 3. Sections 3 to 11 of this act shall be known and may be cited as the Gun-Free School Zone Act.

Sec. 4. For purposes of the Gun-Free School Zone Act gun-free school zone means the area within a distance of one thousand feet from the grounds of any public, private, or parochial facility or institution which provides elementary or secondary education.

Sec. 5. No person shall knowingly possess a firearm in violation of section 28-1202, 28-1203, 28-1204, 28-1204.01, 28-1205, 28-1206, 28-1207, 28-1212.02, or 28-1212.03 in a gun-free school zone.

Sec. 6. A gun-free school zone shall be marked or indicated by adequate signs so as to be plainly visible at all times while set apart as a gun-free school zone. State or local authorities shall erect and maintain such signs, and the Gun-Free School Zone Act shall not be enforced until such signs are erected and maintained.

Sec. 7. (1) Except as provided in subsection (2) of this section, no person shall knowingly or with reckless disregard for the safety of another discharge or attempt to discharge a firearm in a gun-free school zone.

(2) Subsection (1) of this section does not apply to the discharge or attempted discharge of a firearm:

(a) By a person participating in a program approved by a school in a gun-free school zone;

(b) By a person in accordance with a contract entered into between a school in a gun-free school zone and the person or an employer of the person;

(c) By a person who is a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or who is a peace officer acting in his or her official capacity;

(d) By a properly licensed hunter legally hunting on private or public land;

(e) By a person in lawful possession of a firearm on his or her own private property or a person who is a tenant in lawful possession of a firearm on his or her rented property; or

(f) By a person in lawful possession of a firearm on private property with the permission of the property owner or the permission of the tenant of the property owner if the tenant has that authority.

(3) Nothing in the Gun-Free School Zone Act shall be construed as preempting or preventing a political subdivision from enacting an ordinance or passing a resolution establishing gun-free school zones as provided in the act.

Sec. 8. Any person who violates the Gun-Free School Zone Act is guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent offense. A sentence of imprisonment under the act shall not run concurrently but shall run consecutively with any other jail term imposed.

Sec. 9. In addition to the penalties provided in section 8 of this act, any person who violates the Gun-Free School Zone Act and is a student in any school in this state may be expelled from his or her school for one year for the first offense and shall be expelled for one year for a second or subsequent offense in accordance with policies adopted by the school or the school district. The person shall be afforded a formal due process hearing in the manner provided in Chapter 79.

Sec. 10. In addition to the penalties provided in section 8 of this act, any person who is convicted of violating the Gun-Free School Zone Act and is an employee or independent contractor of any school or school district in this state may have his or her employment or contract immediately terminated. Such person shall be afforded a formal due process hearing as provided in section 79-12,115.

Sec. 11. Any firearm possessed in violation of the Gun-Free School Zone Act shall be confiscated and disposed of as provided in section 28-1204.04.".

2. On page 8, line 19, after the comma insert "and sections 28-1201 and 28-1204.04, Revised Statutes Supplement, 1994,".

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 371. Mr. Chambers moved to bracket until June 5, 1995.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Messrs. Vrtiska and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 19:

Beutler
Bromm
Chambers
Coordsen
Crosby
Dierks
Elmer
Hall
Jensen
Jones
Lynch
Matzke
Maurstad
Robinson
Schellpeper
Schimek
Schmitt
Vrtiska
Will

Voting in the negative, 23:

Avery
Bernard-Stevens
Bohlke
Brashear
Brown
Day
Engel
Fisher
Hudkins
Janssen
Kristensen
Landis
Lindsay
McKenzie
Pirsch
Robak
Schrock
Stuhr
Warner
Wesely
Wickersham
Witek
Withem

Excused and not voting, 7:

Abboud
Cudaback
Hartnett
Hillman
Pedersen
Preister
Wehrbein

The Chambers motion to bracket lost with 19 ayes, 23 nays, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Wickersham and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1339, found in the Journal on page 1472.

Mr. Chambers offered the following amendment to the Landis pending amendment:
FA305
Landis Amend. (AM1339)
Page 1, line 15 strike "sexual" and show as stricken and insert "bleep" - and in line 16 strike "reproductive" and show as stricken, and insert "Hammond".

Messrs. Lynch and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Chambers amendment lost with 1 aye, 12 nays, 25 present and not voting, and 11 excused and not voting.

Mr. Chambers offered the following amendment to the Landis pending amendment:
FA306
Landis Amend (AM1339)
P. 1, lines 6, 8 & 10 strike new matter & reinstate stricken matter.

The Chambers amendment lost with 1 aye, 8 nays, 29 present and not voting, and 11 excused and not voting.

Messrs. Engel, Schrock, Schmitt, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Landis pending amendment:
FA307
Landis Amend (AM1339)
Page 1, line 17, after "the" insert "knowing and"

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Bernard-Stevens
Chambers
Hall
McKenzie
Pirsch
Will
Witek
Withem

Voting in the negative, 17:

Avery
Brashear
Bromm
Brown
Crosby
Day
Engel
Fisher
Hudkins
Janssen
Jones
Landis
Lindsay
Maurstad
Stuhr
Vrtiska
Warner

Present and not voting, 10:

Beutler
Bohlke
Dierks
Jensen
Kristensen
Matzke
Robak
Robinson
Schimek
Wesely

Excused and not voting, 14:

Abboud
Coordsen
Cudaback
Elmer
Hartnett
Hillman
Lynch
Pedersen
Preister
Schellpeper
Schmitt
Schrock
Wehrbein
Wickersham

The Chambers amendment lost with 8 ayes, 17 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Messrs. Lindsay, Beutler, and Bromm offered the following amendment to the Landis pending amendment:
AM2515
(Amendments to AM1339)

1. Insert the following new sections:

"Sec. 27. Section 83-925.07, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1996. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration

sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 32. Sections 3 to 5 and 34 of this act become operative on January 1, 1996. Sections 19 to 21, 25, 26, 29, and 35 of this act become operative on July 1, 1996. The other sections of this act become operative on their effective date.

Sec. 34. Original sections 28-318 and 28-320, Reissue Revised Statutes of Nebraska, and section 28-319, Revised Statutes Supplement, 1994, are repealed.

Sec. 35. Original sections 47-616, 83-1,107, 83-1,110, 83-1,135, and 83-4,114.01, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 2, line 18, strike "identify" and insert "identity".

3. Strike amendment 2 and insert the following new amendment:

"2. In the E & R amendments, AM7163:

a. Strike section 5.

b. On page 10, line 10, strike "ID" and insert "II".

c. On page 11, lines 2 and 19, strike "ID" and insert "III".

d. On page 22, line 13, strike "Beginning January 1, 1996, the" and reinstate the stricken "The";

e. On page 23, line 16, strike "Any" and insert "The committed offender's successful completion of any";

f. On page 24, line 14, strike "effective date of this act" and insert "operative date of this section";

g. On page 30, line 13, strike "secure confinement" and insert "adult correctional"; and

h. On page 31, line 9 strike the last comma and insert "and"; strike line 10 and insert "knowingly causes bodily injury"; in lines 12 and 13 strike "or attempt to run over"; in line 13 strike "or attempt to strike"; in lines 14 and 15 strike "or to attempt to collide with"; in line 25, strike "47-616, 83-1,107, 83-1,110,"; and in line 26 strike "83-1,123, 83-1,135, and 83-4,114.01" and insert "and 83-1,123".".

4. Renumber the remaining amendment accordingly.

Mr. Lindsay moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a ruling of the Chair on whether the Lindsay et al. amendment is germane to the Landis pending amendment.

The Chair ruled the Lindsay et al. amendment is not germane to the Landis pending amendment.

Mr. Lindsay challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a record vote on the motion to cease debate.

Voting in the affirmative, 30:

Bernard-Stevens
Brashear
Bromm
Brown
Crosby
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
Maurstad
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Will
Witek
Withem

Voting in the negative, 5:

Bohlke
Chambers
Hall
Lynch
Schimek

Present and not voting, 7:

Avery
Beutler
Coordsen
Day
Kristensen
McKenzie
Wickersham

Excused and not voting, 7:

Abboud
Cudaback
Hartnett
Hillman
Pedersen
Preister
Wehrbein

The motion to cease debate prevailed with 30 ayes, 5 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a roll call vote on the Lindsay motion to overrule the Chair.

Voting in the affirmative, 25:

Avery
Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wesely
Witek

Voting in the negative, 14:

Bohlke
Chambers
Coordsen
Crosby
Day
Hall
Kristensen
Lynch
Matzke
McKenzie
Robak
Schimek
Wickersham
Will

Present and not voting, 3:

Maurstad
Warner
Withem

Excused and not voting, 7:

Abboud
Cudaback
Hartnett
Hillman
Pedersen
Preister
Wehrbein

The Lindsay motion to overrule the Chair prevailed with 25 ayes, 14 nays, 3 present and not voting, and 7 excused and not voting.

The Chair was overruled.

Mr. Lindsay moved to invoke cloture on LB 371.

Mr. Lindsay requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 31:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Dierks
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Maurstad
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Will
Witek
Withem

Voting in the negative, 7:

Chambers
Crosby
Hall
Lynch
McKenzie
Schimek
Wesely

Present and not voting, 4:

Day
Matzke
Robak
Wickersham

Excused and not voting, 7:

Abboud
Cudaback
Hartnett
Hillman
Pedersen
Preister
Wehrbein

The Lindsay motion for cloture lost with 31 ayes, 7 nays, 4 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM1832.)

VISITORS

Visitors to the Chamber were Barbara Merryman from Kearney and Camilla and Franca Targa from Rome, Italy; 21 fifth grade students and teacher from Doniphan; and Senator Matzke's brother and sister-in-law, Chuck and Jan Matzke, from Seward.

ADJOURNMENT

At 11:59 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 8:30 a.m., Thursday, May 25, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SIXTH DAY - MAY 25, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 25, 1995

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Dr. Lataunya Bynum, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Bromm, Chambers, Coordsen, Dierks, Engel, Hall, Landis, Lindsay, Matzke, Schrock, Wesely, Will, Mmes. Bohlke, Witek, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 24, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Moors, H. Jack - Lincoln	First Bank Systems
Schmit, Loran - David City	Ag Processing, Inc.

REPORTS

The following reports were received by the Legislature:

Historical Society, State
  Nebraska Task Force on Historic Preservation Report (LB 706, 1992)

Investment Finance Authority, Nebraska (NIFA)
  Quarterly Report - 1994 C1-D1 Single Family Issue (Neb. Rev. Stat. § 58-270(4))

Roads, Department of
  Board of Public Roads Classifications and Standards, Minutes for April 21, 1995
  Highway Safety Division, Traffic Accident Facts Annual Report

COMMUNICATION

Received a copy of House Joint Resolution No. 625 from the Commonwealth of Virginia which requests that state legislatures apply to Congress for proposal of a constitutional amendment providing for calling of limited national constitutional conventions.

MOTION - Return LB 265 to Select File

Mr. Withem moved to return LB 265 to Select File for his specific amendment, AM2185, found in the Journal on page 2322.

Mr. Withem requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Bernard-Stevens
Beutler
Bohlke
Brashear
Crosby
Cudaback
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jones
Lynch
Maurstad
McKenzie
Pirsch
Preister
Robak
Schellpeper
Schimek
Stuhr
Vrtiska
Wesely
Wickersham
Withem

Voting in the negative, 9:

Avery
Brown
Jensen
Kristensen
Matzke
Pedersen
Schrock
Warner
Wehrbein

Present and not voting, 2:

Robinson
Schmitt

Excused and not voting, 13:

Abboud
Bromm
Chambers
Coordsen
Day
Dierks
Engel
Hall
Hillman
Landis
Lindsay
Will
Witek

The Withem motion to return prevailed with 25 ayes, 9 nays, 2 present and not voting, and 13 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 524.

A BILL FOR AN ACT relating to assistance for certain children; to amend section 43-512.07, Reissue Revised Statutes of Nebraska; to change provisions relating to assignment of court-ordered support payments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Matzke
Robinson

Excused and not voting, 12:

Abboud
Bromm
Chambers
Coordsen
Dierks
Engel
Hall
Hillman
Landis
Lindsay
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 524A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 524, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 12:

Abboud
Bromm
Chambers
Coordsen
Dierks
Engel
Hall
Hillman
Landis
Lindsay
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 535. With Emergency.

A BILL FOR AN ACT relating to gasoline; to amend section 66-4,125, Revised Statutes Supplement, 1994; to change provisions relating to the tax credit delivery invoice; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins

Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Bromm
Chambers
Coordsen
Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 593. With Emergency.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736, 18-1741, and 33-139.01, Reissue Revised Statutes of Nebraska, and sections 18-1737, 18-1738, 18-1738.01, 18-1739, 18-1740, and 18-1741.01, Revised Statutes Supplement, 1994; to change provisions regarding issuance and use of parking permits and handicapped parking citations; to provide duties; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 8:

Abboud
Bromm
Chambers
Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 593A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 593, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 7:

Bromm
Chambers
Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 616. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4820, 44-4828, and 44-4830, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Matzke
McKenzie

Excused and not voting, 7:

Bromm
Chambers
Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 326. With Emergency.

A BILL FOR AN ACT relating to economic development; to provide for job training grants; to provide powers and duties for the Department of Economic Development; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Day
Lynch
McKenzie
Wesely

Excused and not voting, 6:

Chambers
Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 326A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 326, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Lynch McKenzie Vrtiska

Excused and not voting, 6:

Chambers Hall Hillman Lindsay Will
Dierks

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 563 to Select File

Mr. Wesely moved to return LB 563 to Select File for the following Wesely-Day specific amendment:
AM2516

(Amendments to Second Final Reading copy)

1. Insert the following new sections:

"Sec. 9. The Nurse Practice Act confers no authority to practice medicine or surgery. The act does not prohibit, until October 1, 1997, performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and which the attending physician or registered nurse determines can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision.

Sec. 46. Sections 7, 8, and 47 of this act become operative on July 1, 1996. The other sections of this act become operative on their effective date.

Sec. 47. Original sections 71-1,132.05 and 71-1,132.06, Revised Statutes Supplement, 1994, are repealed.".

2. On page 9, line 20, strike "and 9" and insert "9, and 10".

3. On page 17, strike the new matter in lines 11 through 22 and renumber the remaining subdivisions accordingly.

4. Renumber the remaining sections and correct internal references and the repealer accordingly.

The Wesely motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 563. The Wesely-Day specific amendment, AM2516, found in this day's Journal, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Suspend Rules

Mr. Kristensen renewed his pending motion, found in the Journal on page 2531, to suspend the rules, Rule 3, Section 13 in order to allow the scheduling of a public hearing upon Gubernatorial appointments by the Committee on Transportation on Tuesday, May 30, 1995.

The Kristensen motion to suspend the rules prevailed with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Tuesday, May 30, 1995 1:30 p.m.
  Motor Vehicle Industry Licensing Board
    James W. Budke
    Mardy McCullough
    Marlin Armbruster

(Signed) Doug Kristensen, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 89.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Act; to amend section 79-2106, Reissue Revised Statutes of Nebraska; to provide for fees; to create a fund; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Day
McKenzie
Robinson
Warner

Excused and not voting, 4:

Hall
Hillman
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 89A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 9:

Chambers
Day
Dierks
Jensen
Matzke

McKenzie
Stuhr
Warner
Withem

Excused and not voting, 4:

Hall
Hillman
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 311.

A BILL FOR AN ACT relating to the Imprest Payroll Fund; to amend section 81-1117.01, Reissue Revised Statutes of Nebraska; to change provisions relating to federal payments for certain retirement accounts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Day
Dierks
McKenzie

Excused and not voting, 4:

Hall
Hillman
Lindsay
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 389. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Day
McKenzie
Withem

Excused and not voting, 4:

Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 390. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 90-503 to 90-506, Reissue Revised Statutes of Nebraska; Laws 1993, LB 138A, sections 5, 6, 7, and 8; Laws 1993, LB 330, sections 34, 43, and 64; Laws 1993, LB 541, sections 34, 109, 115, 207, 217, and 232; Laws 1993, LB 815A, section 1; Laws 1994, LB 677A, section 1; and Laws 1994, LB 991, sections 8, 10, 21, 34, 47, 49, 50, 52, 53, 54, 57, 62, 66, 69, 72, 77, 80, 94, 99, 105, 114, 121, 123, 125, 127, 137, 145, 146, 159, and 161; to state intent; to define terms; to change and eliminate appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to transfer funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Avery
Witek

Present and not voting, 5:

Day
Jensen
Lynch
Robinson
Vrtiska

Excused and not voting, 5:

Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 429. With Emergency.

A BILL FOR AN ACT relating to environmental quality; to amend section 81-1505.01, Reissue Revised Statutes of Nebraska; to create a fund; to change the distribution and use of certain fees and funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Avery
McKenzie

Excused and not voting, 5:

Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 241. With Emergency.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1503 and 85-1536, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of state aid; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 887. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Day
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback
Fisher

Excused and not voting, 5:

Dierks
Hall
Hillman
Lindsay
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 658. Mrs. Bohlke withdrew her motion, found in the Journal on page 2426, to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2385. (Amendment on file in the Clerk's Office - Room 2018.)

Mrs. Bohlke moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2499 to LB 658.

The Bohlke motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mmes. Bohlke, Pirsch, and Mr. Withem renewed their pending amendment, AM2499, found in the Journal on page 2543.

Mr. Wickersham offered the following amendment to the Bohlke et al. pending amendment:
FA308
Amend AM2499
Strike sections 2 & 4

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 524, 524A, 535, 593, 593A, 616, 326, 326A, 89, 89A, 311, 389, 390, 429, 241, and 887.

SELECT FILE

LEGISLATIVE BILL 658. The Wickersham pending amendment, FA308, found in this day's Journal, to the Bohlke et al. pending amendment, was renewed.

Messrs. Landis, Fisher, Engel, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Ms. Schimek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud
Beutler
Brashear
Bromm
Coordsen
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jones
Matzke
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 21:

Avery
Bernard-Stevens
Bohlke
Brown
Chambers
Crosby
Day
Fisher
Hartnett
Jensen
Kristensen
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Wesely
Withem

Present and not voting, 1:

Lindsay

Excused and not voting, 4:

Hall
Hillman
Landis
Will

The Wickersham amendment lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Withem offered the following amendment to the Bohlke et al. pending amendment:
FA309

Amend AM2499 as follows:

On page 1, line 21, strike from the comma after "district" through "district" on line 23; and on page 2, line 12, strike the new language from "either" through "districts" on line 13.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem withdrew his amendment.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem offered the following amendment to the Bohlke et al. pending amendment:
FA310

Amend AM2499 as follows:

Pg 1, line 21, strike from the comma after "district" through "district" on line 23.

MR. LINDSAY PRESIDING

The Withem amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the Bohlke et al. pending amendment:
FA311

Amend AM2499

1. P. 7, line 10 strike the period and add: "who may lawfully possess firearms"

2. P. 8, line 2 after vehicle insert: "being used for a school purpose".

P. 3, line 6, after "vehicle" insert "being used for a school purpose".

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Maurstad offered the following amendment to the Bohlke et al. pending amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2400.)

Mr. Maurstad withdrew his amendment.

Messrs. Dierks and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem offered the following amendment to the Bohlke et al. pending amendment:
FA312

Amend AM2499 as follows:

1. On page 2, line 10, after "district" insert "in lieu of any other program authorized by this section."

2. On page 2, line 12 after the comma, strike beginning with "either" through the comma on line 13.

The Withem amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment to the Bohlke et al. pending amendment:
AM2518

(Amendments to AM2499)

1. On page 7, line 27, after "year" insert "and a referral to the criminal justice system or juvenile delinquency system".

2. On page 8, line 6, after "basis" insert "and shall require referral to the criminal justice system or juvenile delinquency system of any student who brings a firearm or other weapon to the school grounds".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mrs. Robak, Messrs. Schmitt, Janssen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Bohlke et al. amendment, AM2499, as amended, was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Mrs. Hudkins withdrew her amendment, AM2454, found in the Journal on page 2494.

Mr. Maurstad withdrew his amendment, AM2496, found in the Journal on page 2547.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 658A. E & R amendment, AM7078, found in the Journal on page 1348, was adopted.

Mrs. Pirsch moved to indefinitely postpone LB 658A.

Mrs. Pirsch withdrew her motion to indefinitely postpone.

Mrs. Pirsch asked unanimous consent to pass over LB 658A. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Coordsen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 531. E & R amendment, AM7136, found in the Journal on page 1918, was adopted.

Advanced to E & R for engrossment.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 613. E & R amendment, AM7155, found in the Journal on page 2199, was adopted.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM1916, found in the Journal on page 1923, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM1916, found in the Journal on page 1923.

Mr. Bernard-Stevens offered the following substitute amendment:
AM2354

(Amendments to E & R amendments, AM7155)

1. Strike section 4.
2. On page 7, line 15, strike beginning with "sections" through "79-3816" and insert "section 79-3814".
3. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM1927, found in the Journal on page 1945, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM1927, found in the Journal on page 1945.

Mr. Bernard-Stevens renewed his pending substitute amendment, AM1955, found in the Journal on page 1947.

Mr. Bernard-Stevens withdrew his amendment, AM1955.

Mr. Hall renewed his pending amendment, FA207, found in the Journal on page 2060.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 7:

Avery
Fisher
Hall
Lindsay
Lynch
Robinson
Will

Voting in the negative, 13:

Abboud
Beutler
Bromm
Crosby
Elmer
Hartnett
Jones
Pirsch
Schimek
Stuhr
Vrtiska
Warner
Witek

Present and not voting, 17:

Bernard-Stevens
Brashear
Brown
Chambers
Day
Dierks
Hudkins
Jensen
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Preister
Schrock
Wickersham
Withem

Excused and not voting, 12:

Bohlke
Coordsen
Cudaback
Engel
Hillman
Janssen
Landis
Robak
Schellpeper
Schmitt
Wehrbein
Wesely

The Hall amendment lost with 7 ayes, 13 nays, 17 present and not voting, and 12 excused and not voting.

Mr. Maurstad renewed his pending amendment, AM2326, found in the Journal on page 2340.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM2455, found in the Journal on page 2472.

Messrs. Dierks, Wesely, Ms. Schimek, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. McKenzie requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the Warner amendment is not germane to the bill.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Bernard-Stevens withdrew his motion to overrule the Chair.

Mr. Warner moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2455 to LB 613.

Mr. Warner withdrew his motion to suspend the rules.

Messrs. Jones and Jensen renewed their pending amendment, AM2431, found in the Journal on page 2538.

Messrs. Jones and Jensen withdrew their amendment.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall offered the following amendment:
FA314

(Amendments to Standing Committee amendments, AM0885)

1. On page 5, line 14, after "(5)" insert "In addition to the increase permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to comply with a final order, judgment, ruling, or award of the Commission on Industrial Relations upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(6)"

MRS. CROSBY PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Hall amendment was adopted with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Robinson offered the following amendment:
AM2389

(Amendments to E & R amendments, AM7155)

1. On page 7, after line 4, insert the following new subsection:

"(3) In addition to any other limitation in this section and sections 79-3815 to 79-3821, a district shall not increase the amount it receives from property taxes over the preceding school fiscal year by more than six percent.".

Mr. Robinson withdrew his amendment.

Mrs. McKenzie offered the following amendment:
AM2017

(Amendments to Standing Committee amendments, AM0885)

1. Insert the following new section:

"Sec. 5. It is the intent of the Legislature that reductions in school budgets made to meet spending lid reductions as a result of enactment of this legislative bill:

(1) Protect the instructional expenditures for children and their activities as much as possible;

(2) Unless every reasonable reduction in middle management and central office expenditures and positions has been made, there should be no reduction in expenditures or positions in music, drama, summer school, or like activities;

(3) Reductions should be made as far from the classroom as possible and should include administration travel, memberships, lobbying, transportation, and capital outlays; and

(4) Any cuts in school spending as a result of the enactment of this legislative bill should affect the classroom last.".

2. Renumber the remaining sections accordingly.

Mrs. McKenzie withdrew her amendment.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad offered the following amendment:
FA315

Amend FA314

in line three strike the word "or" and insert "," and after the word "county" insert "or community colleges"

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Maurstad requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 25:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Crosby
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Lynch
Matzke
Maurstad
Pedersen
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Will

Withem

Voting in the negative, 4:

Abboud
McKenzie
Wesely
Witek

Present and not voting, 10:

Avery
Bromm
Coordsen
Jensen
Lindsay
Pirsch
Preister
Schellpeper
Warner
Wickersham

Excused and not voting, 10:

Bohlke
Cudaback
Day
Dierks
Hillman
Jones
Landis
Robak
Robinson
Wehrbein

The Maurstad amendment was adopted with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Schrock requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 6 nays, 4 present and not voting, and 10 excused and not voting.

MR. HALL PRESIDING

Mmes. Brown and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 519. E & R amendment, AM7158, found in the Journal on page 2334, was adopted.

Messrs. Warner, Wesely, Brashear, and Chambers offered the following amendment:
AM2512

(Amendments to E & R amendments, AM7158)

1. Insert the following new sections:

"Sec. 4. The Director of Administrative Services shall review and approve or disapprove any contract for personal services between a private entity and any state agency, other than (1) the University of Nebraska, (2) the Nebraska state colleges, and (3) any other board, commission, or agency established by the Constitution of Nebraska, if, on the effective date of the contract, the personal services are performed by permanent state employees of the agency and which will be replaced by services performed by the private entity. The contract shall be subject to the public bidding procedures established in sections 81-145 to

81-162 except in emergencies approved by the Governor.

For purposes of this section, contract for personal services means an agreement by a contractor to provide human labor but does not mean a contract to supply only goods or personal property. The term includes contracts with private service providers, consultants, and independent service contractors. .

Sec. 5. (1) A state agency that seeks to enter into a contract described in section 4 of this act with a private entity shall submit the following information to the Director of Administrative Services: (a) The proposed contract, (b) a review of the long-term actual cost savings, (c) the measurable goals for improving the quality of the service, and (d) an assessment of the feasibility of alternatives within the agency to contracting for performance of the service.

(2) In calculating the cost savings under subsection (1) of this section, the state agency shall project, for twelve months and for sixty months, the following:

(a) Direct costs, including salary and fringe benefits;

(b) Indirect overhead costs which shall include only those costs that can be attributed solely to the work in question and that would not exist if the work were not performed by state employees. Indirect overhead costs shall include the pro rata share of existing administrative salaries and benefits, rents, equipment costs, utilities, and materials;

(c) Any continuing or transitional costs that are directly associated with contracting for the work, including unemployment compensation and the cost of transitional services; and

(d) Additional costs of performance of the work by state employees, including the salaries and benefits of additional staff performing inspection, supervision, and monitoring duties and the cost of additional space, equipment, and materials needed to perform the services.

Sec. 6. A state agency that seeks to enter into a contract described in section 4 of this act shall also submit to the Director of Administrative Services a formal plan of assistance to the state employees of such state agency who will be displaced by such contract. The plan shall include, but need not be limited to, the following provisions:

(1) Efforts by the state agency to place displaced employees in vacant positions in that agency or another state agency;

(2) Provisions in the contract for personal service, if feasible, for the hiring of displaced employees by the contractor; and

(3) Demonstration by the state agency that it has taken formal and positive steps in considering alternatives to such contract, including reorganization, reevaluation of service, and reevaluation of performance.

Sec. 7. The Director of Administrative Services may approve a proposed contract if:

(1) The potential economic advantage of contracting is not outweighed by the public's interest in having the particular services performed directly by the state agency;

(2) The contract does not adversely affect the state's affirmative action efforts; and

(3) The contract will include adequate control mechanisms to insure that the services are provided pursuant to the terms of the contract.

Sec. 8. The Director of Administrative Services shall, within forty-five days after receipt of the information described in sections 5 and 6 of this act from the state agency, prepare a report detailing why the proposed contract was approved or disapproved. The report shall be delivered to the chairperson of the Appropriations Committee of the Legislature.

Sec. 9. The Department of Administrative Services shall adopt and promulgate rules and regulations to carry out sections 4 to 8 of this act. Such rules and regulations shall apply to the Director of Administrative Services in carrying out his or her duties pursuant to such sections.

Sec. 10. Sections 4 to 9 of this act shall not apply to the Nebraska Consultants' Competitive Negotiation Act.

Sections 4 to 9 of this act shall not be construed to apply to renewals of contracts already approved pursuant to or not subject to such sections, to amendments to such contracts, or to renewals of such amendments unless the amendments would directly cause or result in the replacement by the private entity of additional permanent state employees or positions greater than the replacement caused by the original contract.".

2. On page 1, line 17, after "purposes" insert "of sections 1 to 3".

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the Warner et al. pending amendment:

FA316

Amend AM2512

line 21 page 3 after the word "Committee" add "and the Legislative fiscal office". . .

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Warner et al. pending amendment:
FA317
Amend AM2512
On Pg. 3 line 20 add
and "(4) the private entity is fairly compensating its employees"

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner et al. amendment, AM2512, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Brashear offered the following amendment:
AM2520

(Amendments to E & R amendments, AM7158)

1. On page 1, line 24, after "state" insert "other than (a) the University of Nebraska, (b) the Nebraska state colleges, and (c) any other board, commission, or agency established by the Constitution of Nebraska".

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Schmitt, Janssen, Fisher, and Elmer asked unanimous consent to be excused. No objections. So ordered.

MR. WILL PRESIDING

Mr. Brashear moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Brashear amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Brashear offered the following amendment:
FA318

Insert a new Sec. 3 as follows: "Any contingent fee contract of any kind whatsoever reasonably anticipated to result in the payment of a contingent fee or fees in excess of $25,000.00 per annum executed by

(1) the University of Nebraska, (2) the Nebraska state colleges, or (3) any other board, commission, or agency established by the Constitution of Nebraska after the effective date of this act is void unless executed by the highest executive officer thereof upon thirty days notice to the public at large." and renumber following section.

The Brashear amendment was adopted with 28 ayes, 0 nays, 3 present and not voting, and 18 excused and not voting.

Mr. Brashear offered the following amendment:
FA319

On page 1 at line 14 after "whatsoever" insert "reasonably anticipated to result in the payment of a contingent fee or fees in excess of $25,000.00 per annum."

The Brashear amendment was adopted with 28 ayes, 0 nays, 4 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 257. Read. Considered.

LEGISLATIVE RESOLUTION 259. Read. Considered.

LEGISLATIVE RESOLUTION 260. Read. Considered.

LEGISLATIVE RESOLUTION 261. Read. Considered.

LEGISLATIVE RESOLUTION 262. Read. Considered.

LEGISLATIVE RESOLUTION 263. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 257, 259, 260, 261, 262, and 263 were adopted with 21 ayes, 0 nays, and 28 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1995, at 10:30 a.m., were the following bills: 524, 524A, 535, 593, 593A, 616, 326, 326A, 89, 89A, 311, 389, 390, 429, 241, and 887.

(Signed) Rosie Ziems

Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

FA320

On page 3, strike all of lines 14 and 15 and insert, "(d) A volunteer fire department or volunteer first-aid, rescue, or emergency squad or volunteer fire company serving any city, village, county, township, or rural or suburban fire protection district."

On page 27, strike all of lines 23 and 24 and insert, "(d) A volunteer fire department or volunteer first-aid, rescue, or emergency squad or volunteer fire company serving any city, village, county, township, or rural or suburban fire protection district."

Messrs. Schellpeper, Hartnett, Hall, Will, and Abboud asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM2506

1. Insert the following new sections:

"Sec. 18. Section 9-347, Revised Statutes Supplement, 1994, is amended to read:

9-347. (1) The gross proceeds of any lottery by the sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, payment of the unit cost, any commission paid to a pickle card operator, allowable expenses, and allocations for bingo expenses as provided by subsection (5) of this section.

(2) Not less than sixty-five percent or more than eighty percent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes.

(3) Not more than ~~six~~ eight percent of the definite profit of a pickle card unit shall be used by the licensed organization to pay the allowable expenses of operating a lottery by the sale of pickle cards, except that license fees paid to the department to license the organization, each utilization-of-funds member, and any sales agent and pickle card dispensing device registration fees shall not be included in determining the ~~six-percent~~ eight-percent limitation on expenses and no portion of such ~~six~~ eight percent shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion conducted pursuant to the Nebraska Bingo Act, and of such ~~six~~ eight percent not more than four percent of the definite profit may be used by the licensed organization for the payment of any commission, salary, or fee to a sales agent in connection with the marketing of a pickle card unit. When determining the ~~six~~ eight percent of definite profit that is permitted to pay the allowable expenses of

operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.

(4) Not more than thirty percent of the definite profit of a pickle card unit shall be used by a licensed organization to pay a pickle card operator a commission, fee, or salary for selling individual pickle cards as opportunities for participation in a lottery by the sale of pickle cards on behalf of the licensed organization.

(5) An organization licensed to conduct bingo pursuant to the Nebraska Bingo Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation. The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the ~~twelve-percent~~ fourteen-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No expenses associated with the conduct of bingo may be paid directly from the pickle card checking account. A licensed organization which needs to allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions to pay bingo expenses as provided by this section shall transfer funds from the pickle card checking account to the bingo checking account by a check drawn on the pickle card checking account or by electronic funds transfer.

Sec. 19. Section 9-347.01, Reissue Revised Statutes of Nebraska, is amended to read:

9-347.01. (1) For each type of pickle card unit marketed in this state, the department shall determine the following: (a) When a licensed organization sells pickle cards through pickle card operators, the portion of the definite profit from that pickle card unit which shall go to the licensed organization, such amount to be not less than seventy percent of the definite profit from such pickle card unit; (b) the maximum amount of the definite profit from the sale of a pickle card unit that a licensed organization may pay a pickle card operator as a commission, fee, or salary to sell its pickle cards, such amount not to exceed thirty percent of the definite profit from such pickle card unit; (c) the portion of the definite profit from the sale of a pickle card unit which may be expended by a licensed organization for allowable expenses, such amount not to exceed ~~six~~ eight percent of the definite profit from such pickle card unit; and (d) the portion of the definite profit from the sale of a pickle card unit which may be utilized by a licensed organization for payment of a sales agent selling pickle cards on behalf of the licensed organization, such amount to be a portion of the allowable expenses and not to exceed four percent of the definite profit from such pickle card unit.

(2) The licensed organization's net profit from the sale of a pickle card unit shall be used exclusively for a lawful purpose. A licensed organization shall not donate or promise to donate its net profit or any portion of the net profit to a recipient outside of its organization as an inducement for or in exchange for (a) a payment, gift, or other thing of value from the recipient to any person, organization, or corporation, including, but not limited to, the licensed organization or any of its members, employees, or agents, or (b) a pickle card operator's agreement to sell pickle cards on behalf of the licensed organization.

Sec. 31. Section 9-625, Reissue Revised Statutes of Nebraska, is amended to read:

9-625. Any county, city, or village may establish and conduct a lottery if an election is first held pursuant to this section. Only one scheme or type of lottery may be conducted by a county, city, or village at one time. No county, city, or village shall establish and conduct a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called by the governing board of the county, city, or village for such purpose. This section shall not be construed to prohibit any county, city, or village from conducting a lottery if such course of action was approved prior to July 17, 1986, by a majority of the registered voters of such county, city, or village casting ballots on the issue.

Any lottery established pursuant to this section which is authorized by an election held on or after October 1, 1989, pursuant to this section that is not in operation for any four consecutive years shall no longer be authorized under this section. If the voters in a county, city, or village approve a lottery on or after October 1, 1989, pursuant to this section but the lottery does not actually begin operation within four years of the date that the results of the election are certified, the lottery shall no longer be authorized under this section. Any lottery no longer authorized under this section because it did not operate within the four-year period provided in this section may be reauthorized by a majority vote of the registered voters of the county, city, or village casting ballots on the issue at a subsequent election pursuant to this section.

Except for any restriction imposed pursuant to section 9-643, any county, city, or village may conduct a lottery only within the boundaries of such county, city, or village, or within a licensed racetrack enclosure abutting the corporate limits thereof, except that nothing in this section shall prohibit a county, city, or village from entering into an agreement pursuant to the Interlocal Cooperation Act to conduct a joint lottery with another county, city, or village which has established a lottery in accordance with this section.

Sec. 32. Section 9-629, Revised Statutes Supplement, 1994, is amended to read:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen-percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen-percent limitation on expenses.".

2. On page 19, line 10, strike "twelve" and insert

"fourteen"; and in line 18 strike "twelve", show as stricken, and insert "fourteen".

3. On page 20, line 18, strike "twelve-percent", show as stricken, and insert "fourteen-percent"; and in line 21 strike "six percent", show as stricken, and insert "eight percent".

4. On page 83, line 22, after "9-345.03," insert "9-347.01," and strike "and 9-434" and insert "9-434, and 9-625"; in line 25 after "9-329.02," insert "9-347,"; and in line 26 after "9-623," insert "9-629,".

5. On page 84, strike line 1 and insert "section 9-629.02, Revised Statutes Supplement, 1994.".

6. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

AM2523

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 50-419, Reissue Revised Statutes of Nebraska, is amended to read:

50-419. (1) The Legislative Fiscal Analyst shall provide fiscal and budgetary information and assistance to the Legislature and the Appropriations Committee. During sessions of the Legislature he or she shall work under the direction of the Appropriations Committee of the Legislature. During the interim between legislative sessions he or she shall work under the direction of the Executive Board of the Legislative Council.

The Legislative Fiscal Analyst shall provide:

(a) Factual information and recommendations concerning the financial operations of state government;

(b) Evaluation of the requests for appropriations contained in the executive budget and recommendations thereon;

(c) Studies of capital outlay needs for the orderly and coordinated development of state institutions and institutional programs authorized, if not otherwise provided by law; and

(d) Plans for legislative appropriation and control of funds, with presession analysis of budgetary requirements.

(2) His or her duties shall also include examining or auditing functions or services authorized by the Legislature to determine if funds are expended according to legislative intent and whether improvements in organization and performance are possible. The examining function shall also include the appraisal of functions for needed reforms.

(3) His or her duties shall be to coordinate his or her activities with the budget officer of the Department of Administrative Services.

(4) All information and reports of the fiscal analyst and Appropriations Committee shall be available to any and all members of the Legislature.

(5) The Legislative Fiscal Analyst shall provide revenue-forecasting information and assistance to the Legislature, the Revenue Committee of the Legislature, and the Appropriations Committee of the Legislature. For the purposes of this subsection, he or she shall work under the direction of the Revenue Committee of the Legislature and the Appropriations Committee of the Legislature. The revenue-forecasting information provided under this subsection shall include:

(a) The estimated revenue receipts for each year of the following biennium;

(b) General Fund reserve requirements;

(c) A list of express obligations; and

(d) A summary of economic conditions affecting the State of Nebraska.

(6) The Legislative Fiscal Analyst and the Director of Administrative Services shall calculate by November 1 of each even-numbered year the General Fund budget limitation for each fiscal year of the next biennium. The total General Fund appropriations for any fiscal year shall not exceed the General Fund budget limitation for that fiscal year except for amounts equal to the transfers made from other funds by specific act of the Legislature to the General Fund and net revenue generated from tax rate and tax base changes enacted subsequent to calculation of the limitation. The General Fund budget limitation shall be calculated from the compound average annual rate of growth for prior fiscal years beginning with FY1981-82 and each year thereafter of General Fund net receipts adjusted for tax rate and federal or state tax law changes affecting actual net receipts. Fiscal years used in the calculation shall be known as the base period. The object of the calculation shall be to arrive at a single average rate of revenue growth expressed as a percentage. Such average percentage rate shall be independent of the effects of changes to the tax rate and the tax base during the base period. The rate of growth shall be used to calculate the General Fund budget limitation for the following fiscal year by multiplying the current fiscal year General Fund appropriations by the single average rate of growth. The result of the multiplication expressed in dollars shall be added to the current fiscal year General Fund appropriation to arrive at a total which shall be the General Fund budget limitation for the first fiscal year of the ensuing biennium. The General Fund budget limitation calculated for the first fiscal year shall be the basis for calculating the limitation for the second fiscal year of the biennium. The single average rate of growth shall be applied to the first fiscal year limitation to arrive at the General Fund budget limitation for the second fiscal year of the biennium. The second year limitation shall be revised in

odd-numbered years using the additional base receipt data from the prior fiscal year and current fiscal year appropriations. For purposes of this subsection, General Fund net receipts shall mean total General Fund net receipts excluding all transfers pursuant to section 77-4602 and any transfers made by specific act of the Legislature from the Cash Reserve Fund or any other fund to the General Fund.

(7) On or before November 1 of each even-numbered year, the Legislative Fiscal Analyst and the Director of Administrative Services shall jointly issue a report, identifying the General Fund budget limitation for each fiscal year of the ensuing biennium and detailing all calculations used to calculate the limitation. The report shall be filed with the Clerk of the Legislature and copies shall be provided to all members of the Legislature and the Governor. The report shall be made available for public inspection upon its release.

(8) The report required in subsection (7) of this section shall be revised on or before November 1 of each odd-numbered year to arrive at a budget limitation for the ensuing fiscal year which includes the additional base period receipt data from the prior fiscal year and current fiscal year appropriations.

Sec. 2. Original section 50-419, Reissue Revised Statutes of Nebraska, is repealed.".

VISITORS

Visitors to the Chamber were members of St. John Lutheran Church from Seward; Mr. Oleg Alexeevich Grachev from the Ukraine and Alan Smith; 23 fourth grade students and teacher from Oak Valley School, Omaha; Tammy Barcus from Lincoln and Jill and Ben Collins from Meadow Grove; Ron Hoffman from Lincoln; 33 fourth grade students and sponsor from Underwood Hill Elementary, Omaha; Jessica Smith from Arapahoe; and Chastic Steek from Holly Springs, Mississippi.

ADJOURNMENT

At 3:15 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, May 30, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SEVENTH DAY - MAY 30, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 30, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Vernon Jacobs, St. Luke's Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Brashear, Bromm, Engel, Hall, Hartnett, Landis, Lindsay, Preister, Schrock, Warner, Wickersham, Will, Ms. Day, Mmes. McKenzie, and Pirsch who were excused until they arrive.

MRS. CROSBY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 563.

Correctly Engrossed

The following bills were correctly engrossed: 519, 531, 613, and 658.

Enrollment and Review Change to LB 519

The following changes, required to be reported for publication in the Journal, have been made:
ER9098

1. Because of the adoption of the Brashear amendment, FA318, in the Warner et al. amendment, AM2512:

a. On page 1, line 19; page 2, line 23; and page 4, lines 1, 5, and 7, "4" has been struck and "5" inserted;

b. On page 3, line 23, "5 and 6" has been struck and "6 and 7" inserted; and

c. On page 4, line 2, "8" has been struck and "9" inserted; in lines 5 and 7 "9" has been struck and "10" inserted; and in line 15 "3" has been struck and "4" inserted.

2. In lieu of the Beutler amendment, FA317, in the Warner et al. amendment, AM2512, on page 3, line 17, "and" has been struck; and in line 20 "; and

(4) The private entity is fairly compensating its employees" has been inserted after "contract".

3. In lieu of the Bernard-Stevens amendment, FA316, in the Warner et al. amendment, AM2512, on page 3, line 26, "and the Legislative Fiscal Analyst" has been inserted after "Legislature".

4. In the Warner et al. amendment, AM2512:

a. On page 1, line 9, "which" has been struck;

b. On page 3, line 4, "service" has been struck and "services" inserted.

5. In the E & R amendments, AM7158, on page 2, line 2, the second "and" has been struck and "; to provide procedures for review and approval of contracts for personal services; and to provide for applicability of provisions" has been inserted after "terms".

Enrollment and Review Change to LB 563
(Second Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9095

1. In the Wesely-Day amendment, AM2516:

a. Sections 46 and 47 have been renumbered as sections 47 and 48, respectively; and

b. On page 1, line 16, "47" has been struck and "48" inserted.

2. On page 2, line 1, "to provide operative dates;" has been inserted after the semicolon.

3. On page 47, sections 45, 46, and 47 have been renumbered as sections 49, 50, and 51, respectively; and in line 17 "71-1,132.05 to" has been struck and "71-1,132.07," inserted.

Enrollment and Review Change to LB 613

The following changes, required to be reported for publication in the Journal, have been made:
ER9097

1. In the Maurstad amendment, FA315, on page 1, "or community colleges" has been struck and ", or community college" inserted.

2. In the E & R amendments, AM7155, on page 5, line 19, "(6)" has been struck and "(7)" inserted; and in line 21 the comma has been struck.

Enrollment and Review Change to LB 658

The following changes, required to be reported for publication in the Journal, have been made:
ER9096

1. In the Bohlke-Pirsch-Withem amendment, AM2499:

a. On page 2, line 12, the comma has been struck; and

b. On page 6, line 12 "(4)" has been struck, shown as stricken, and "(5)" inserted.

2. On page 1, the matter beginning with "aid" in line 1 through line 4 and all amendments thereto have been struck and "the Student Discipline Act; to amend sections 79-4,169, 79-4,179.01, 79-4,180, 79-4,195, and 79-4,196, Reissue Revised Statutes of Nebraska; to change provisions for alternative educational placement; to eliminate reimbursement provisions; to change provisions relating to expulsion and grounds for discipline; to require a policy relating to firearm violations; to harmonize provisions; and to repeal the original sections.".

(Signed) David I. Maurstad, Chairperson

MESSAGES FROM THE GOVERNOR

May 29, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 325, 325A, and 394 were received in my office on May 24, 1995.

These bills were signed by me on May 29, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 29, 1995

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 389 and LB 392 with line item reductions. The general fund veto amounts contained in these two bills over the next two years total $41.8 million. When added to my line item vetoes in LB 391, a total savings to the Nebraska taxpayer is $44.3 million over the next three years. A list of the individual vetoes is attached, representing a total general fund reduction of nearly $17.1 million in FY 1995/96 and $24.7 million in FY 1996/97.

My review of your proposed budget indicates some very hard work by the Appropriations Committee and the entire Legislative body. You have added some priorities and highlighted others. You have generally tried to adhere to many of my funding priorities, such as salary equity for probation staff, improvement of juvenile community-based corrections programming, upgrading the State Patrol computer network, providing services for persons with developmental disabilities, distance learning investments, 309 Task Force funding for fire and life safety, ADA, and deferred repairs, a continued emphasis on applied research and technology transfer, and improved engineering education.

You have recognized and built on our jointly held concern for building a strong University. You have added over $2.0 million in operating funds for the biennium above my original recommendations for many programs that are worthwhile. In capital construction you have agreed with my priorities for repair, renovation, and life safety improvements. Over $18 million in new funds are provided over the next three years for the University for such projects as renovation of Burnett Hall at UNL, Copeland Hall at UNK, Utility System improvements at UNL, Engineering Space improvements at UNO and UNL, and renovation of Allwine Hall at UNO.

In addition, you have provided some recognition and support of the School-to-Work initiative and are in the process of passing legislation which will produce some cost containment in special education, implement proposals for welfare reform, and institute some necessary revisions of the lid law. I applaud you on your efforts.

However, my view of future state revenues is not quite as optimistic. I ask you to sustain my vetoes as a hedge against the future uncertainty we are facing with the economy as well as with Congress. This is not the time to settle for a bare minimum 3% reserve and call the budget balanced. In recent days and weeks, we have seen a weakening of the national economy. At home, we have seen heavy spring rains dim the hopes of our agricultural community. We have already had the Economic Forecasting Board reduce the projections for the next biennium by $14 million.

In Washington, both the House and the Senate have passed balanced budget amendments which will translate into fewer dollars coming to the state in the form of federal aid. We watch as they debate tax changes that translate into tens of millions of dollars in reductions in our own tax receipts.

Further, your recommendations include spending $30 million of general funds to be offset by increased federal funds we hope to receive. Building this revenue into the state's spending plans constitutes a risk which I simply cannot endorse. These funds should either be placed in the Cash Reserve Fund or they should be returned to the taxpayers.

With these concerns in mind, I have examined the budget very closely. I have chosen as a starting point to make line-item reductions in three major areas and across all agencies where you have recommended General Fund increases above my recommended level. These areas are vacancy savings, the 1.5 percent across-the-board increase for operations, and salary funding provided above my recommended level. In total, these savings amount to almost $19.9 million in General Funds in the next biennium. It is my view that vacancy savings are real, and the taxpayer should reap the benefits. Inflation and salary amounts beyond my recommended levels must be funded through increased efficiency and improved agency planning.

I have allowed some of the increased student aid which you have provided to the Coordinating Commission for Postsecondary Education to remain in three separate programs. Student financial aid is increasingly important if we are to improve the skill level of our workforce, promote economic development, and enhance the earning ability of Nebraska citizens. However, we simply cannot afford the total amount.

I have reduced the additional branch museum staff added to the Historical Society. We cannot afford the addition at this time. We must increasingly seek private financial support in this area.

I have reduced the $70,280 each year for the Schools Telelearning Service at the Nebraska Educational Telecommunications Commission (NETC). This funding belongs in the Nebraska Department of Education (NDE) and should be made available from other funding sources within the Department or from sources available to K-12 schools. A cooperative plan and contract between NDE and NETC is the only way to ensure that these services will be provided in an efficient manner which benefits the Nebraska taxpayer.

Additional funding for Aid to the Arts and Aid to the Humanities has been reduced. However, $35,000 each year is allowed for Aid to the Arts and an additional $30,000 is allowed each year for Aid to the Humanities--again above my original recommendation. These are funds well spent; however, private funds will have to supplement them.

Aid to the Community Colleges is reduced to the level in my budget. My recommendation was tied to the passage of LB 241--the funding formula bill which insures adequate recognition of applied technology education. I appreciate Senator Bohlke's sponsoring this bill, and I thank you for passing LB 241. I believe the original level of funding is sufficient to attain the stated goal.

While both the University of Nebraska and the State Colleges have been line item reduced, I have allowed additional funding above my recommendations for the biennium of $2,049,356 for the University and $295,051 for the State Colleges. Most of these additional funds will be spent on priorities which you have identified. At the University and the State Colleges one of those priorities was additional faculty above my original recommendation. In addition, at the University $25,000 of these added funds could be used to supplement the $25,000 remaining in LB 391 for Comprehensive Planning at the Nebraska College of Technical Agriculture. However, a private sector commitment to and involvement in the comprehensive planning effort is very critical to the future success of the plan.

I have eliminated funding at the Department of Public Institutions (DPI) for additional pay for Developmental Disabilities providers; however, earlier this year I announced my proposal for increased funding for Developmental Disabilities services by an additional $10 million. In addition funds have been sustained in their entirety for Emergency Protective Custody. Mental Health Aid and Children's Mental Health Aid have been reduced; however, $100,000 and $200,000 increases remain for the two programs for the biennium. An additional $2.0 million of cash balances has been used to offset General Funds at DPI, and the Central Office and the Mental Health operating budgets have been reduced by a total of $400,000 for the biennium. Funds remain at both DPI and the Department of Social Services for Medicaid forms revision through the Health Care Policy effort.

Due to cooperative work between the Department of Social Services and private child and family service agencies, uniform program standards and payment rates for child welfare services have been developed, which provide rate equity and use a managed care approach to contain costs. Therefore, added funding for Group Home salaries is no longer needed and has been eliminated. The Domestic Violence Prevention increase has been reduced; however, $150,000 remains for program increases for the biennium.

In the Department of Education, increases in vocational rehabilitation aid and textbook loan aid in excess of my recommendation have been eliminated. The additional operating funds for the School for the Deaf have been reduced to $200,000 to assist in the transition plan currently being implemented by the department.

The $475,000 for the Public Transportation Assistance Program is vetoed for both FY 1995/96 and FY 1996/97. While both the Legislature and I have supported assisting public transit transportation service in Omaha and Lincoln in the past with general fund appropriations, our current budget constraints result in a necessity to make this veto.

The Animal Damage Control Program funding has been reduced to $50,000 per year to allow a state match for statewide animal damage control services--the first since 1985. 4-H premiums and FFA premiums were not in my recommendation, but I have allowed a total of $75,000 per year to remain in the budget.

The additional funding above my recommendation for the Resource Development Fund is stricken. My recommendation already increase the Fund by $200,000 per year.

Again, thank you for your hard work, your attention to details, and your help with establishing priorities for the state. As you consider these line-item vetoes, please keep the best interests of the taxpayer in mind and take into account the current economic conditions and federal environment of reducing funding to the states. If you sustain these vetoes, the possibility of our having to hold a special budget-cutting session later this year decreases.

I urge your support in sustaining these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GOVERNOR'S VETO SUMMARY

Agency LB	Description	Current Bienmuim FY95/96	FY96/97	Future Biennium
LB 391	Capital Construction Total	385,000	1,504,000	630,000
LB 392	Mainline Bill:			
	All Agencies - Inflation Adjust.	1,032,631	2,362,736	

	All Agencies - Vacancy Savings	3,126,165	3,119,893	
	All Agencies - Salary Over Gov.	3,038,063	7,213,063	
Supreme Crt.	Added Probation Staff	334,713	552,512	
Education	Vocational Rehabilitation Aid	750,000	750,000	
	Textbook Loan Aid	45,000	50,000	
	School for Deaf Operations	300,000		
Agriculture	Animal Damage Control	50,000	50,000	
DPI	DD Pay Rate Equity	3,302,456	6,062,189	
	Mental Health Aid	562,500	562,500	
	Childrens' MH Aid	512,500	512,500	
	Use Excess Cash Balances	1,000,000	1,000,000	
	Central Office Reduction	100,000	100,000	
	Regional Center Reductions	100,000	100,000	
Social Svs.	Domestic Violence Aid	73,500	112,500	
	Group Home Salary Equity	218,867	452,617	
Road	Mass Transit Aid	475,000	475,000	
Corrections	Kearney/Geneva Expansion	552,837		
NETC	School Telelearning Service	70,280	70,280	
CCPE	SAP - Scholarship Assistance	131,642	131,642	
	SSAP - State Scholarship Award	131,642	131,642	
	PEAP - Postsecondary Ed Award	100,000	150,000	
Fair Board	4-H Premiums	58,500	63,000	
	FFA Premiums	24,000	24,800	
Hist. Society	Branch Museum Staff	35,530	35,530	
Natural Res.	Resource Development Fund	800,000	300,000	
Arts Council	Aid to Arts	90,000	90,000	
	Humanities Aid	21,125	21,125	
Comm. Colleges	Aid Above Governor	47,143	217,878	
Summaries:	Veto by Legislative Bill:			
	LB 389: Salary Bill	3,038,063	7,213,063	
	LB 391: Capital Construction	385,000	1,504,000	630,000
	LB 392: Mainline Appropriations	14,046,031	17,498,344	
	Annual Veto Totals	17,469,094	26,215,407	630,000
	Cumulative Veto Total		44,314,501	

VETO DETAILS: OPERATIONS, VACANCY SAVINGS, SALARIES

	Inflation Adjustments		Vacancy Savings		Salary Increases	
# Agency	FY96	FY97	FY96	FY97	FY96	FY97
03 Legislature	41,853	83,712				

05 Supreme Court	58,040	116,082	225,885	225,885		
07 Governor	1,777	3,555			335	678
09 Secretary of State		1,888				
11 Attorney General	8,229	16,210	2,641			
14 Public Service		12,030				
15 Parole Board	496	993			1,107	1,568
25 Public Institutions		231,904				
32 Surveyor	402	804			195	396
35 Liquor Commission	2,694	5,388				
38 Status of Women	552	1,101				
46 Corrections	132,632	261,504				
47 NETC	37,915	75,831	38,275	38,275	28,062	43,497
48 CCPE	2,292	5,841			5,838	7,710
50 State Colleges	34,238	105,516				155,298
51 University	688,811	1,377,621	2,800,594	2,800,594	3,000,000	7,000,000
52 Board of Agriculture	606	1,312				
54 Historical Society	10,581	21,162	58,770	55,139		
55 Natural Resources	2,844	11,748				
70 Foster Care Review	1,081	2,424				
84 Env. Quality	6,906	24,745				
87 Accountability Comm.	682	1,365			2,526	3,916
Agency Totals	1,032,631	2,362,736	3,126,165	3,119,893	3,038,063	7,213,063
Biennium Totals		3,395,367		6,246,058		10,251,126

REPORTS

The following reports were received by the Legislature:

Education, Department of
Labor Negotiations between Department of Education and Nebraska Association of Public Employees, AFSCME, Local 61 (Section 81-1384, RRS 1943, Reissue of 1987)

Labor, Department of
State Labor Area Summaries

Revenue, Department of
  Charitable Gaming Division Annual Report (section 9-1,101, R.R.S. 1943)

SELECT FILE

LEGISLATIVE BILL 455A. Mrs. Bohlke offered the following amendment:
AM2547

1. Strike the original sections and insert the following new sections:

"Section 1. The appropriation for FY1995-96 to the Department of Social Services, for Program 341, shall be reduced by $399,078 General Funds and $286,579 federal funds.

The total expenditures for temporary salaries and per diems from the funds appropriated to Program 341 shall be reduced by $731,400 in FY1995-96.

Sec. 2. There is hereby appropriated $117,424 from the General Fund and $192,424 from federal funds for FY1996-97 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $58,381 for FY1996-97.

Sec. 3. The appropriation for FY1995-96 to the Department of Social Services, for Program 347, shall be reduced by $1,394,329 General Funds and $12,993 federal funds. The appropriation for FY1996-97 to the Department of Social Services, for Program 347, shall be reduced by $957,572 General Funds.

Sec. 4. There is hereby appropriated $800,385 from federal funds for FY1996-97 to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. There is hereby appropriated (1) $315,640 from the General Fund and $463,526 from federal funds for FY1995-96 and (2) $405,070 from the General Fund and $576,680 from federal funds for FY1996-97 to the Department of Social Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. There is hereby appropriated (1) $40,000 from the General Fund for FY1995-96 and (2) $40,000 from the General

Fund for FY1996-97 to the Department of Labor, for Program 31, to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Bohlke amendment was adopted with 26 ayes, 1 nay, 4 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 658A. Mrs. Bohlke offered the following amendment:
AM2548

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated $4,021 from the General Fund for FY1995-96 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 658, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Bohlke amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 860A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 552. Mr. Beutler withdrew his specific amendment, AM2321, printed separately from the Journal and referred to on page 2387.

Readvanced to Final Reading.

LEGISLATIVE BILL 265. The Withem specific amendment, AM2185, found in the Journal on page 2322 and considered on page 2560, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 209. E & R amendment, AM7156, printed separately from the Journal and referred to on page 2199, was adopted.

Mr. Preister asked unanimous consent to replace his pending amendment, AM1948, found in the Journal on page 1964, with a substitute amendment. No objections. So ordered.

Mr. Preister withdrew his amendment, AM1948, found in the Journal on page 1964.

Mr. Preister renewed his pending substitute amendment, AM2368, found in the Journal on page 2427.

Mr. Bromm requested a division of the question on the Preister amendment.

The Chair sustained the division of the question.

The first Preister amendment is as follows:
FA321

(Amendments to E & R amendments, AM7156)

1. On page 27, line 26, strike "and (f)" and insert "(f) the area will not interfere with normal activities of migratory birds, and (g)".

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

SPEAKER WITHEM PRESIDING

The first Preister amendment lost with 8 ayes, 21 nays, 15 present and not voting, and 5 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The second Preister amendment is as follows:
FA322

(Amendments to E & R amendments, AM7156)

2. On page 32, line 24, strike "or" and insert an underscored comma; and in line 27 after "boundary" insert ", or (c)

the boundary of the area lies within two miles of a game reserve, bird refuge, wild fowl sanctuary, or reservation as established by the commission".

Mr. Preister moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Preister requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Bernard-Stevens
Beutler
Bromm
Chambers
Hartnett
Janssen
Landis
Lindsay
Lynch
Pirsch
Preister
Schimek
Schmitt
Wesely
Withem

Voting in the negative, 23:

Avery
Brashear
Coordsen
Crosby
Elmer
Engel
Fisher
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 6:

Bohlke
Brown
Cudaback
Day
Dierks
Wehrbein

Excused and not voting, 5:

Abboud
Hall
Hillman
Robak
Will

The second Preister amendment lost with 15 ayes, 23 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jerry Hohnbaum - Commission for the Hearing Impaired

David Conway - Commission for the Hearing Impaired
Linsay Darnall - Commission for the Hearing Impaired
Timothy Bachenberg - Child Abuse Prevention Fund Board
Irene Fiesterman - Rural Health Advisory Commission
Janet Fletcher - Rural Health Advisory Commission

VOTE: Aye: Senators Day, Dierks, Matzke, Pirsch, Schimek, and Wesely. Nay: None. Absent: Senator Jensen.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 860A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 95043

DATE: May 25, 1995

SUBJECT: Application of LB 377 to Existing Ethanol Production Credit Agreements

REQUESTED BY: Senator Janis McKenzie

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion regarding the applicability of LB 377 to existing contracts between ethanol producers and the State of Nebraska. Specifically, you ask whether the new language in Section 7, lines 20 through 23 of LB 377 (Final Reading) affects preexisting Ethanol Production Credit Agreements between ethanol producers and the Department of Revenue.

Section 7 of LB 377 sets forth the requirements ethanol producers must meet to receive production credits in the form of nonrefundable transferable motor fuel tax credit certificates in the amount of twenty cents per gallon of ethanol produced in Nebraska. Subsection (3) provides:

> Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which

> it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(new language underlined).

Thus, LB 377 places an additional requirement on ethanol producers. In order to receive production credits an ethanol facility must not only achieve a production rate of at least twenty-five percent of name plate design capacity on or before December 31, 1995, but must maintain an average production rate of at least twenty-five percent of name plate design capacity for at least six months after becoming eligible for production credits.

A similar question to the one at hand arose regarding LB 243 in 1981. With regard to that legislation, former Attorney General Paul Douglas stated,

> It has long been recognized in this state that a statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 464, 283 N.W.2d 12 (1979). It was long ago recognized by the United States Supreme Court in Hodges v. Snyder, 261 U.S. 600 (1923) that private vested rights of parties cannot be taken away by subsequent legislation. A statute will not be applied retroactive even where such legislative intent is clear, where the effect would be to impair vested rights or contracts. Mooney v. Drainage District No. 1 of Richardson County, 134 Neb. 192, 278 N.W. 368 (1938); Karer v. Karer, 190 Neb. 610, 211 N.W.2d 116 (1973). Where its effect would be unconstitutional, its application would be limited to be prospective.

Op. Att'y Gen. No. 80 (April 24, 1981). See also Stoller v. State, 171 Neb. 93, 103-104, 105 N.W.2d 852 (1960); Op. Att'y Gen. No. 95027 (April 12, 1995) (discussing impairment of the State's own obligations by legislation). With regard to LB 377, however, impairment of contract concerns need not even be considered, as LB 377 does not evidence any intent that its provisions, and particularly Section 7, be applied retroactively. A legislative act operates prospectively and not retrospectively unless the legislative intent that it operate retrospectively is clearly disclosed. Young v. Dodge County Bd. of Supervisors, 242 Neb. 1, 6, 493 N.W.2d 160, 163 (1992).

Consequently, the new provisions contained in Section 7 of LB 377 would operate prospectively, and would not apply to existing Ethanol Production Credit Agreements between ethanol producers and the Nebraska Department of Revenue.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz

Deputy Attorney General

cc: Clerk of the Legislature
3-2072-3

UNANIMOUS CONSENT - Member Excused

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 209. Mr. Schrock renewed his pending amendment, AM2288, found in the Journal on page 2436.

Mr. Schrock moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Schrock amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM2237, found in the Journal on page 2348.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his amendment.

Mr. Dierks renewed his pending amendment, AM2336, found in the Journal on page 2352.

The Dierks amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Preister renewed his pending amendment, AM2376, found in the Journal on page 2427.

Mr. Preister withdrew his amendment.

Pending.

LEGISLATIVE BILL 860A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 418. Mr. Chambers requested a machine vote on the adoption of the E & R amendment.

E & R amendment, AM7154, found in the Journal on page 2199, was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Mr. Maurstad withdrew his amendment, AM2148, found in the Journal on page 2147.

Mr. Withem withdrew his pending motion, found in the Journal on page 2384, to recommit LB 418 to the Committee on Government, Military and Veterans Affairs pursuant to rule 6, section 5 (c).

Messrs. Cudaback, Dierks, Elmer, Schellpeper, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Engel
Fisher
Hartnett
Hudkins
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek

Voting in the negative, 7:

Avery
Chambers
Janssen
Landis
Preister
Wesely
Withem

Present and not voting, 2:

Beutler
Lindsay

Absent and not voting, 2:

Jensen
Pirsch

Excused and not voting, 10:

Abboud
Bernard-Stevens
Cudaback
Dierks
Elmer
Hall
Hillman
Lynch
Schellpeper
Will

Advanced to E & R for engrossment with 28 ayes, 7 nays, 2 present and not voting, 2 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 296. E & R amendment, AM7040, found in the Journal on page 718, was adopted.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 265.

Correctly Engrossed

The following bills were correctly engrossed: 455A and 658A.

Enrollment and Review Change to LB 455A

The following changes, required to be reported for publication in the Journal, have been made:
ER9100
1. On page 1, line 3, "to reduce appropriations;" has been inserted after the semicolon.

Enrollment and Review Change to LB 658A

The following changes, required to be reported for publication in the Journal, have been made:
ER9101
1. On page 1, the matter beginning with the semicolon in line 3 through line 4 and all amendments thereto have been struck and a period inserted.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 519. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Introduced by Landis, 46.

WHEREAS, Julie Wilson is the acknowledged queen of New York City cabaret; and

WHEREAS, Julie Wilson possesses a talent and a genius for cabaret, an art form that depends on personal communication with each member of an audience and the ability to tell a story through song; and

WHEREAS, During Julie Wilson's fifty-year-plus career she has starred on Broadway in "Pajama Game", replaced Mary Martin in "South Pacific", and led the national company of "Kiss Me, Kate"; and

WHEREAS, Julie Wilson is a Nebraska native, the daughter of an Omaha coal broker and a hairdresser; and

WHEREAS, Julie Wilson will celebrate her return to Nebraska this summer when she performs "I Hate Hamlet" with the Nebraska Repertory Theatre.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the distinguished career of Julie Wilson and her contributions to an art form that requires romance, fearlessness, artistry, and thought.
2. That the Legislature welcomes Julie Wilson home to the state of her birth and congratulates her on fifty years of successful performing.

Laid over.

VISITORS

Visitors to the Chamber were Linda Hansen from Papillion; Gertrude and Dennis Pohlman from Lincoln, Carol Witte from Rolling Hills, California, Astrid Teuber and Leni Loschmann from Iserlohn, Germany, and Bonnie Anderson from Mechanicsville, Virginia; 50 fourth grade students and sponsors from Westgate Elementary, Omaha; 70 fourth grade students and sponsors from King Science Center, Omaha; and Senator Janssen's daughter-in-law and grandchildren, Susan, Alex, Lauren, and Elliot Janssen, from Hooper.

RECESS

At 12:22 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Avery, Landis, Lynch, Schmitt, Wickersham, Will, Mmes. Bohlke, McKenzie, Pirsch, and Ms. Day who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 209. Mr. Preister renewed his pending amendment, AM2409, found in the Journal on page 2427.

MR. BERNARD-STEVENS PRESIDING

Mr. Preister asked unanimous consent to replace his pending amendment, AM2409, found in the Journal on page 2427, with a substitute amendment. No objections. So ordered.

Mr. Preister withdrew his amendment, AM2409, found in the Journal on page 2427.

Mr. Preister offered the following substitute amendment:
FA323

Amend AM7156

Amend page 27 line 27 strike (,) insert ". The public interest findings shall include, but not be limited to, determinations that the establishment of a controlled shooting area will not create a substantial threat of harm to adjoining landowners and their property; and will not interfere with adjoining landowners enjoyment of their property." and in line 27 strike "the" and insert "The"

Amend page 32 line 24 strike "or" and insert an underscored comma; and in line 27 after "boundary" insert ", or (c) for initial applications filed after Jan. 1, 1996, the boundary of the area lies within one mile of a game reserve, bird refuge, wild foul sanctuary, or reservation as established by the commission."

The Preister amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
AM2524

(Amendments to E & R amendments, AM7156)

1. Insert the following new section:

"Sec. 39. A state agency or political subdivision which owns or operates a recreational trail may establish and collect a user fee or a voluntary fee for the use of the trail as determined by the state agency or political subdivision. The fees shall be accounted for separately and shall be used for trail maintenance, operation, and acquisition.".

2. Renumber the remaining sections and correct internal references accordingly.

The Beutler amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:

FA324

Amend AM7156

Strike the Schrock amendment (AM2288) and at page 34, line 26, after "licensee" insert "knowingly and intentionally"; at page 35, line 1, after "any" insert "knowing and intentional"

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 296, 418, and 860A.

Enrollment and Review Change to LB 418

The following changes, required to be reported for publication in the Journal, have been made:

ER9102

1. In the Maurstad et al. amendment, AM1456, on page 3, line 6, "35.570 ¢" has been struck and "33.570 ¢" inserted.

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 265. Introduced by Kristensen, 37.

WHEREAS, the Kearney High School girls' track team won the Class A State Track Championship; and

WHEREAS, the Kearney High Lady Bearcats set a state record in the 1,600-meter relay that clinched the state title; and

WHEREAS, team members Kendee Koster and Amie Finkner were named Kearney Hub Territory Girls' Track Co-athletes of the Year for 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kearney High School girls' track team and coach Ross Armstrong on an outstanding season and their success at the state championship meet.

2. That a copy of this resolution be sent to the Kearney High School girls' track team.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Kristensen, 37.

WHEREAS, the Kearney High School boys' track team recaptured the Class A State Track Championship; and

WHEREAS, the Kearney High Bearcats defended their state title by scoring 92 points, which is the third highest point total in state history and was more than twice the point total of the next runner-up; and

WHEREAS, the Bearcats set a school record in the 1,600-meter relay; and

WHEREAS, team member Scott Nachtigal was named Kearney Hub Territory Track Athlete of the Year for 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kearney High School boys' track team and coach Roger Mathiesen on another outstanding season and successful defense of the state title.
2. That a copy of this resolution be sent to the Kearney High School boys' track team.

Laid over.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Frankie Moore - Commission of Industrial Relations

VOTE: Aye: Senators Vrtiska, Dierks, Preister, and Schmitt. Nay: None. Absent: Senators Abboud, Chambers, and Schimek.

(Signed) Chris Abboud, Chairperson

SELECT FILE

LEGISLATIVE BILL 283. E & R amendment, AM7159, found in the Journal on page 2335, was adopted.

Mr. Chambers offered the following amendment:
FA325
P. 2, line 4 Strike and show as stricken, "except man".

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA326
P. 2, line 25, After "officer's", insert, "official enforcement"

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA327
P. 3, line 7, After "police animal", insert, "for the purpose of preventing such animal from performing its legitimate official duties".

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
FA328
P. 3, line 9, Strike "results in" and insert, "is the proximate cause of".

PRESIDENT ROBAK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA329
P. 4, Add a new subsection (9): "Use of reasonable force against a police animal if such animal poses an imminent threat of death or bodily injury."

Messrs. Dierks, Jones, Brashear, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 263, 262, 261, 260, 259, and 257.

SELECT FILE

LEGISLATIVE BILL 283. The Chambers pending amendment, FA329, found in this day's Journal, was renewed.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Wehrbein offered the following amendment:
FA330

Amend AM7159

On page 1, lines 13-17, strike new matter. Insert "(2) for purposes of this section, police animal means a horse or dog owned or controlled by the State of Nebraska for the purpose of assisting a Nebraska state trooper acting pursuant to his or her official authority."

On page 2, lines 21-25 strike new matter & insert "(7) Police animal means a horse or dog owned or controlled by the State of Nebraska for purpose of assisting a Nebraska state trooper in performance of his or her official enforcement duties."

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Wehrbein requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 27:

Bernard-Stevens
Chambers
Crosby
Cudaback
Day
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 7:

Abboud
Avery
Bromm
Jensen
Pedersen
Pirsch
Witek

Present and not voting, 9:

Beutler
Brown
Coordsen
Dierks
Elmer
Jones
Lindsay
Schellpeper
Warner

Excused and not voting, 6:

Bohlke
Brashear
Engel
Hillman
Landis
Withem

The Wehrbein amendment was adopted with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 592. Ms. Day asked unanimous consent to bracket until January 3, 1996. No objections. So ordered.

LEGISLATIVE BILL 509. E & R amendment, AM7086, found in the Journal on page 1498, was adopted.

Mrs. Witek renewed her pending amendment, AM1468, found in the Journal on page 1534.

MR. BERNARD-STEVENS PRESIDING

Ms. Day, Messrs. Brashear, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Fisher
Kristensen
Pirsch
Witek

Voting in the negative, 18:

Bernard-Stevens
Chambers
Crosby
Day
Elmer
Engel
Hall
Hartnett
Janssen

Lindsay
Matzke
Robak
Schimek
Vrtiska
Warner
Wickersham
Will
Withem

Present and not voting, 23:

Abboud
Avery
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Dierks
Hudkins
Jensen
Jones
Maurstad
McKenzie
Pedersen
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Wesely

Excused and not voting, 4:

Brashear
Hillman
Landis
Lynch

The Witek amendment lost with 4 ayes, 18 nays, 23 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Introduced by Beutler, 28.

WHEREAS, Everett and Clinton Cushman began building two-cycle engines in 1901 in Lincoln, Nebraska; and

WHEREAS, in 1936 the first Cushman Scooter was introduced and became popular almost overnight; and

WHEREAS, thousands of Cushman Scooters were built in Lincoln, Nebraska, for the armed forces during World War II including a special airborne model which was dropped by parachute for ground transportation for the airborne troops; and

WHEREAS, by 1950 more than ten thousand Cushman Scooters per year were produced in Lincoln, Nebraska, with attention to quality. The scooters were "built to last" and have been used for pleasure, transportation, and business; and

WHEREAS, the Cushman Club of America celebrates a Nebraska product with its continued loyalty for more than thirty years after the last scooter rolled off the assembly line in 1964; and

WHEREAS, the Cushman Club of America, with its mission to move into the Twenty-first Century with classic and restored Cushman Scooters, continues to support local industry and the economy; and

WHEREAS, the Cushman Motor Works Plant and the Cushman Club of America have contributed substantially to the "Good Life" in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of June 18-24, 1995, be recognized as Cushman Club of America Week.

Laid over.

LEGISLATIVE RESOLUTION 268. Introduced by Robinson, 16.

WHEREAS, Dr. R. E. Morton served as president of Dana College from 1944 to 1956; and

WHEREAS, Dr. Morton attended Dana College as a student, later earned degrees from the University of Minnesota and Trinity Seminary, and then served as pastor in the Evangelical Lutheran Church before accepting the presidency of Dana College; and

WHEREAS, during his presidency, Dr. Morton laid the foundation for Dana College's accreditation by the North Central Association as well as the construction of Pioneer Memorial, on the campus; and

WHEREAS, subsequent to his leadership of Dana College, Dr. Morton returned to church service as pastor of St. Paul's Lutheran Church in Lodi, California, where he retired several years ago and where he passed away on May 19, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Dr. R. E. Morton.
2. That copies of this resolution be sent to Dana College and to the family of Dr. Morton.

Laid over.

PROPOSED RULES CHANGE

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 8 (Appropriations Process) by adding a new section:
Section 7:

Pursuant to the provisions found in section 79-3814(1), the Legislature shall annually establish an allowable growth range and basic allowable growth rates by which a school district shall establish its general fund budget of expenditures for each school year. The Legislature shall base its decision upon the recommendation of the Education Committee of the Legislature.

Members of the Education Committee shall receive all relevant data available from the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State

Department of Education on or before December 15 of each year. The Committee shall schedule a public hearing for the discussion of such data, and present its recommendation regarding the allowable growth rate and range in the form of legislation introduced prior to the tenth legislative day of each session. A bill shall be introduced regardless whether the Education Committee finds a change in the established rate or range to be necessary.

Legislation introduced pursuant to this Rule shall receive priority status in scheduling bills for public hearing before the Education Committee, and shall be advanced to General File no later than the 60th legislative day in a 90 day session and the 30th day in a 60 day session.

Referred to the Rules Committee.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

David L. Gilfillan - Nebraska Railway Council
Mardy McCullough - Nebraska Motor Vehicle Industry Licensing Board
Marlin Armbruster - Nebraska Motor Vehicle Industry Licensing Board
James W. Budke - Nebraska Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Coordsen, Day, Kristensen, Matzke, Pedersen, and Pirsch. Nay: None. Absent: Senators Avery and Jones.

(Signed) Doug Kristensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 509. Mrs. Witek offered the following amendment:
AM2557

1. On page 7, after line 8, insert the following new subsection: "(3) This section only applies to audits of the Legislature, the Legislative Council, the Executive Board of the Legislative Council, and members of the Legislature.".

Messrs. Kristensen and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Witek moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 2:

Dierks
Witek

Voting in the negative, 31:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Lindsay
Matzke
McKenzie
Pedersen
Preister
Robak
Robinson
Schimek
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely
Will
Withem

Present and not voting, 9:

Abboud
Avery
Coordsen
Cudaback
Jones
Maurstad
Pirsch
Schellpeper
Schrock

Absent and not voting, 2:

Fisher
Warner

Excused and not voting, 5:

Hillman
Kristensen
Landis
Lynch
Wickersham

The Witek amendment lost with 2 ayes, 31 nays, 9 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 344. E & R amendment, AM7090, found in the Journal on page 1499, was adopted.

Mr. Hartnett withdrew his amendment, AM1284, found in the Journal on page 1455.

Mr. Hall withdrew his amendment, AM1516, found in the Journal on page 1530.

Mr. Abboud withdrew his amendment, AM1538, found in the Journal on page 1569.

Mr. Hartnett withdrew his amendment, AM1521, found in the Journal on page 1568.

Mrs. Robak withdrew her amendment, AM1428, found in the Journal on page 1618.

Mr. Schellpeper withdrew his amendment, AM2038, found in the Journal on page 2117.

Messrs. Schellpeper, Hall, Hartnett, and Will withdrew their amendment, AM2419, found in the Journal on page 2469.

Mr. Hartnett renewed his pending amendment, FA320, found in the Journal on page 2588.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

The Hartnett amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Schellpeper, Hartnett, Hall, Will, and Abboud renewed their pending amendment, AM2506, found in the Journal on page 2588.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Schellpeper et al. amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Engel offered the following amendment:
AM2575

(Amendments to AM2506)

1. On page 6, line 1, strike "abutting" and insert "which abuts" and after "thereof" insert "or which is within the zoning jurisdiction of a city".

The Engel amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 365. E & R amendment, AM7157, found in the Journal on page 2203, was adopted.

Mr. Warner renewed his pending amendment, AM2423, found in the Journal on page 2497.

The Warner amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Override Line-Item Veto on LB 391

The Appropriations Committee moved to override the Governor's line item vetoes contained in section 11, Agency 25, Department of Public Institutions, Program 912, Beatrice State Developmental Center Cottage Renovation; and section 43, Agency 51 University of Nebraska, Program 927 Comprehensive Facilities Plan at the Nebraska College of Technical Agriculture.

This motion is offered as provided by Rule 6, Section 14(b) upon the recommendation of the Appropriations Committee by an 8-0-1 vote.

Item description:	OVERRIDES	
	FY1995-96	FY1996-97
Cottage Renovation, BSDC	$360,000	$360,000
Comprehensive Plan, Curtis	25,000	--0--

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2579

(Amendments to E & R amendments, AM7163)

1. Insert the following new section:

"Sec. 29. There is hereby appropriated (1) $25,000 from the General Fund for FY1995-96 and (2) $179,316 from the General

Fund for FY1996-97 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 269. Introduced by Schrock, 38.

WHEREAS, the Nebraska Future Problem Solving Program sponsors a statewide problem solving competition in which high school students must solve a problem extemporaneously in just two hours; and

WHEREAS, this year's competition was held on April 8, 1995, and included three divisions of twelve teams each; and

WHEREAS, the Hildreth High School team won the Senior Division, grades 10 through 12, and will continue on to represent Nebraska at the International Conference of Future Problem Solving in Providence, Rhode Island, on June 9-12, 1995; and

WHEREAS, the Hildreth High School team consists of Bob Adams, Leslie Hinrichs, Christi Erickson, Kahla Nelson, Chad Bunger, and supervisor, Robert Hays.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the Hildreth High School team on its victory and wishes the team continued success.
2. That the Clerk of the Legislature send a copy of this resolution to Hildreth High School.

Laid over.

MOTION - Return LB 377 to Select File

Mr. Withem moved to return LB 377 to Select File for his specific amendment, AM2118, found in the Journal on page 2109.

Mr. Withem withdrew his motion to return.

WITHDRAW - Amendment to LB 377

Mr. Withem withdrew his amendment, AM2218, found in the Journal on page 2397, to LB 377.

MOTION - Return LB 275 to Select File

Mr. Pedersen reconsidered his motion to return LB 275 to Select File for his specific amendment, AM1854, found in the Journal on page 2034.

The Pedersen motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 275. The Pedersen specific amendment, AM1854, found in the Journal on page 2034, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Suspend Rules

Mr. Bernard-Stevens moved to suspend the rules, Rule 7, Section 3(d) to offer the following non-germane amendment, to LB 275:
FA331

Amend 83-925.07 (in subsection (4) after secure confinement add "in a county containing a

in subsection (6) in 83-925.07 after established in a add "county containing a"

(Add severability clause.

Mr. Bernard-Stevens withdrew his motion to suspend the rules.

WITHDRAW - Amendment to LB 275A

Mr. Pedersen withdrew his amendment, AM1944, found in the Journal on page 2034, to LB 275A.

MOTION - Return LB 275A to Select File

Mr. Pedersen moved to return LB 275A to Select File for the following specific amendment:
AM2469

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 58, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, is amended to read:

Sec. 58. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

Program No. 164 - Gamblers' Assistance

	FY1995-96	FY1996-97
~~CASH FUND~~	~~163,364~~	~~165,728~~
~~PROGRAM TOTAL~~	~~163,364~~	~~165,728~~
~~SALARY LIMIT~~	~~30,000~~	~~30,000~~

CASH FUND	-0-	-0-
PROGRAM TOTAL	-0-	-0-
SALARY LIMIT	-0-	-0-

~~The unexpended Cash Fund balance existing on June 30, 1995, is hereby reappropriated.~~

Sec. 2. Section 96, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, is amended to read:

Sec. 96. AGENCY NO. 25 -- DEPARTMENT OF PUBLIC INSTITUTIONS

Program No. 33 - Central Office

	FY1995-96	FY1996-97
GENERAL FUND	14,950,282	15,355,897
~~CASH FUND~~	~~96,000~~	~~96,000~~
CASH FUND	258,500	258,500
FEDERAL FUND est.	9,410,217	9,664,093
~~PROGRAM TOTAL~~	~~24,456,499~~	~~25,115,990~~
PROGRAM TOTAL	24,618,999	25,278,490
~~SALARY LIMIT~~	~~8,387,628~~	~~8,678,096~~
SALARY LIMIT	8,417,628	8,708,096

There is included in the appropriation to this program for FY1995-96 $5,069,939 General Funds, ~~$96,000~~ $218,000 Cash Funds, and $5,818,154 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $5,069,939 General Funds, ~~$96,000~~ $219,000 Cash Funds, and $5,818,154 Federal Funds estimate for state aid, which shall only be used for such purpose.

The General Funds distributed as state aid in this section may be used to provide emergency psychiatric services to persons with mental illness in FY1995-96 and FY1996-97.

Sec. 3. On July 1, 1995, the unexpended balance of Cash Funds from the Compulsive Gamblers Assistance Fund which is appropriated to the Department of Revenue for FY1994-95 shall be transferred to and is hereby appropriated to the Department of Public Institutions, for Program 33, for FY1995-96, to aid in carrying out the provisions of Legislative Bill 275, Ninety-fourth Legislature, First Session, 1995.

Sec. 4. This act becomes operative on July 1, 1995.

Sec. 5. Original sections 58 and 96, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995, are repealed.

Sec. 6. The following section is outright repealed: Section 38, Legislative Bill 389, Ninety-fourth Legislature, First Session, 1995.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Pedersen motion to return prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 275A. The Pedersen specific amendment, AM2469, found in this day's Journal, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 20.

A BILL FOR AN ACT relating to employment; to define terms; to provide duties for employers of non-English-speaking employees; to provide powers and duties for the Commissioner of Labor; to provide a penalty; and to provide for damages and injunctive relief.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Bernard-Stevens
Beutler
Bohlke
Bromm
Chambers
Crosby
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schimek
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Coordsen
Jensen
Pirsch
Schellpeper
Vrtiska
Witek

Present and not voting, 11:

Avery
Brashear
Brown
Cudaback
Dierks
Fisher
Jones
Kristensen
Robinson
Schmitt
Schrock

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 20A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 20, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Bernard-Stevens
Beutler
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 11:

Avery
Brashear
Brown
Crosby
Fisher
Jensen
Kristensen
McKenzie
Robinson
Schellpeper
Witek

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 25 to Select File

Mr. Hall moved to return LB 25 to Select File for the following specific amendment:
FA332
Strike the enacting clause.

Mr. Hall withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to hearing-impaired persons; to amend sections 71-4720, 71-4727, 71-4728, 71-4729, and 71-4732, Reissue Revised Statutes of Nebraska; to provide duties for the Commission for the Hearing Impaired and the Department of Public Institutions; to provide for access to comprehensive mental health, alcoholism, and drug abuse services for hearing-impaired persons; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Avery
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 5:

Bernard-Stevens
Beutler
Pirsch
Schimek
Withem

Present and not voting, 7:

Brashear
Fisher
Jensen
McKenzie
Robinson
Warner
Witek

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 25A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Beutler
Pirsch
Witek

Present and not voting, 4:

Brashear
Fisher
Jensen
Robinson

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-328, 60-528, and 60-1803, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-302, 60-305.09, 60-312, 60-348, 60-4,118, and 77-2716.02, Revised Statutes Supplement, 1994; to change provisions relating to proof of financial responsibility; to change provisions relating to certificates of registration; to require proof of financial responsibility; to provide and eliminate penalties; to change provisions relating to driver's license examinations; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 60-570, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Bernard-Stevens
Chambers

Present and not voting, 3:

Fisher
Lindsay
Lynch

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 37A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 37, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen

Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Crosby
Fisher
Lindsay
Lynch

Excused and not voting, 2:

Hillman
Maurstad

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 136 to Select File

Mr. Warner moved to return LB 136 to Select File for the following specific amendment:
FA333
Strike the enacting clause.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner withdrew his motion to return.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that LB 392 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 391

Mr. Hall moved that LB 391 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with the Mass Transit Aid in section 109, become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with the Textbook Loan Aid in section 41, Vocational Rehabilitation in section 43, and School for the Deaf Operations in section 45 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with the Department of Public Institutions: Central Office reduction in section 96; Mental Health Aid, Children's Mental Health Aid, Regional Center reductions, and use of excess cash balances in section 98; and Development Disability Pay Rate Equity in section 100, become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with the Supreme Court and the added probation staff in section 18 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with Department of Social Services involving domestic violence aid and Group Home Salary Equity in section 104, become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Hall moved that the portion of LB 392 dealing with the Arts Council, specifically Aid to the Arts in section 208, and Humanities

Aid in section 209, become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Line-Item Veto on LB 392

Mr. Bernard-Stevens moved to override the Governor's veto of LB 392, Section 146, Agency No. 46, Program No. 250, of $552,837 for FY 1995-96.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 270. Introduced by Stuhr, 24.

WHEREAS, the Bradshaw Public School's Future Business Leaders of America (FBLA) members won thirty-nine state awards in the 1995 Nebraska competition; and

WHEREAS, the Bradshaw Public School, a Class D-2 school, is the smallest school in Nebraska to compete in the FBLA state conference; and

WHEREAS, Bradshaw's FBLA club has competed in the national competition for eleven consecutive years; and

WHEREAS, Bradshaw's FBLA club has won first place nationally in Accounting for five consecutive years; and

WHEREAS, the team members, as well as Business Instructor, Ken Schultz, deserve special recognition for the teamwork, knowledge, and keen business sense they have displayed throughout the year which has contributed to the team's success; and

WHEREAS, they will be competing at the National FBLA Conference in Orlando, Florida, from June 28 to July 4, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognize and congratulate the members of the Bradshaw Public School's Future Business Leaders of America and their advisor, Ken Schultz.
2. That a copy of this resolution be sent to the Bradshaw Public School's Future Business Leaders of America Club and their advisor, Ken Schultz.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

PURPOSE: To study human service and health issues. The State of Nebraska is affected fiscally and socially by the need for, and provision of, human service programs and by the health status of its citizens. The human service and health status issues shall include, but not be limited to: Cost containment for health care services; availability of health care providers; health care for emergency service and trauma system development; maternal and infant care; mental health; developmental disabilities; substance abuse; poverty; welfare reform; regulation of new health professions; foster care; the comprehensive health insurance pool; rural health care availability; teenage pregnancy; child abuse; adult abuse; medicaid services; the disabled persons and family support programs; child care; the Nebraska Mental Health Commitment Act; and certificate of need. These issues need continued review by the Legislature to determine the appropriate legislative responses.

In addition, the study shall include an examination of: The regulation and oversight of hospitals especially those who are not surveyed by the Joint Commission on Hospital Accreditation; whether county hospitals should be authorized to operate county health departments; the child care licensing system to determine whether the process should be consolidated and whether there are ways to simplify the licensing process; the role and mission of the regional centers in the mental health care delivery system; whether shelters should be required in mobile home parks and whether regulation of mobile home parks is adequate; the issues associated with the regulation of design professionals; how nontraditional medicine should be regulated; the issues concerning child abuse and neglect investigations and services; drinking water contamination and methods for the prevention or alleviation of contamination of drinking water; whether there should be a period of time for a parent to change their mind when a child is relinquished for adoption; the issues associated with grandparents raising grandchildren; and the regulation of continuing care retirement communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 136.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Revised Statutes Supplement, 1994; to authorize the Tax Commissioner to require reporting by retailers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Beutler
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Day
Elmer
Fisher
Hall
Hartnett
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Preister
Schimek
Stuhr
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 16:

Abboud
Avery
Bernard-Stevens
Brashear
Crosby
Dierks
Engel
Jensen
Jones
Matzke
Pedersen
Pirsch
Robak
Schmitt
Schrock
Witek

Present and not voting, 6:

Brown
Hudkins
Robinson
Schellpeper
Vrtiska
Wehrbein

Excused and not voting, 2:

Hillman
Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 136A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 136, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Bernard-Stevens
Beutler
Bohlke
Bromm
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Fisher
Hall
Hartnett
Hudkins
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Preister
Schimek
Schmitt
Stuhr
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 11:

Abboud
Avery
Brashear
Engel
Jensen
Jones
Matzke
Pedersen
Pirsch
Robak
Witek

Present and not voting, 7:

Brown
Crosby
Robinson
Schellpeper
Schrock
Vrtiska
Wehrbein

Excused and not voting, 2:

Hillman
Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 162.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2001, 44-2003, and 44-2216, Reissue Revised Statutes of Nebraska, and sections 44-221 and 44-322, Revised Statutes Supplement, 1994; to change provisions relating to payments on surplus notes, annual financial statements, unauthorized insurers, and agents; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Wickersham Will Witek Withem

Voting in the negative, 0.

Present and not voting, 4:

Dierks Lindsay Robinson Schimek

Excused and not voting, 2:

Hillman Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 172.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the lien of a physician, nurse, or hospital; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 5:

Chambers Hall Landis Lindsay Will

Present and not voting, 5:

Abboud Avery Dierks Lynch Matzke

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 300.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska, and section 77-2716.03, Revised Statutes Supplement, 1994; to change income tax calculations; to change the corporate tax rate for insurance companies subject to retaliatory taxes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Maurstad
Pedersen
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Pirsch
Wesely

Present and not voting, 4:

Chambers
Matzke
McKenzie
Robinson

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 337 to Select File

Mrs. Witek moved to return LB 337 to Select File for the following specific amendment:
AM2570

(Amendments to Final Reading copy)

1. On page 8, lines 3 and 4, strike "to match" and insert "substantially compares with".

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Witek motion to return lost with 4 ayes, 24 nays, 20 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 337.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-101, 32-202, 32-628, 32-1404, 32-1405, and 32-1409, Revised Statutes Supplement, 1994; to change and provide procedures for circulating and verifying petitions; to provide powers and duties for the Secretary of State; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schimek
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Abboud
Bromm
Coordsen
Dierks
Jensen
Jones
Pedersen
Pirsch
Schellpeper
Schmitt
Schrock
Vrtiska
Witek

Present and not voting, 3:

Avery
Brashear
Cudaback

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 337A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 337, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Bernard-Stevens
Beutler
Bohlke
Brown
Chambers
Day
Elmer
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Robinson
Schimek
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 12:

Abboud
Avery
Bromm
Dierks
Jensen
Jones
Pedersen
Pirsch
Schellpeper
Schmitt
Vrtiska
Witek

Present and not voting, 7:

Brashear
Coordsen
Crosby
Cudaback
Engel
Fisher
Schrock

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 382.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-801.01, Reissue Revised Statutes of Nebraska; to prohibit certain practices; to provide for hearings and appeals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 3:

Brashear
Jensen
Pirsch

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 401.

A BILL FOR AN ACT relating to child care; to amend sections 43-2601, 43-2603 to 43-2606, 43-2608 to 43-2618, 43-2620, 43-2624, 71-1902, 71-1904, 71-1908, 71-1909, 71-1912, 71-1913.02, 71-1914, 71-1916, 71-1917, 79-3322, and 81-502, Reissue Revised Statutes of Nebraska, sections 29-2264, 43-2607, 68-1206, 71-901, 71-1901, 71-1903, 71-1907, 71-1910, 71-1911, 71-1913, 71-1913.01, 71-1913.03, and 71-1915, Revised Statutes Supplement, 1994, and section 79-444, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 214, Ninety-fourth Legislature, First Session, 1995; to change provisions relating to regulation of child and foster care; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1918, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 401A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 401, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen

Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 2:

Chambers Crosby

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 406. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3910, 21-2202, 28-411, 28-414, 28-415, 33-150, 71-1,285, 71-1,286, 71-1,287 to 71-1,292, 71-1,294, 71-3502, 71-3505, 71-3508, 71-3515.01, 71-3515.02, 71-5133, 71-6001 to 71-6007, 71-6310, 71-6310.01, 71-6311, 71-6314, 71-6317, 81-642, 81-646, 81-2266, 81-2269, and 83-211.02, Reissue Revised Statutes of Nebraska, and sections 21-2209, 21-2216, 28-405, 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-131, 71-162, 71-1,206.18, 71-1,293, 71-1,314, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-2417, 71-3501, 71-3503, 71-3507, 71-5102, 71-5108, 71-5109 to 71-5111, 71-5127, 71-5142, 71-5147, 71-5152, 71-5157, 71-5514.01, 71-6301, 71-6303, 71-6801, 71-7001, 71-7004, 71-7012, 71-7303, and 71-7304, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to surveys of milksheds, professional corporations, schedules of controlled substances, prescriptions and recordkeeping requirements for and labeling of controlled substances, psychologists, dietitians and nutritionists, mental health practitioners, vital statistics, medical radiography, emergency medical services, health care facility receiverships, asbestos, clinical laboratories, the cancer registry, nursing facility preadmission screening, and an advisory committee for the visually impaired; to define and redefine terms; to change and provide powers and duties; to change and provide fees and penalties; to change the distribution of and rename funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-6309.01 and 71-6315, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Avery
Kristensen
Lindsay
Pirsch

Present and not voting, 4:

Chambers
Landis
Matzke
Warner

Excused and not voting, 2:

Hillman
Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 406A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, Ninety-fourth Legislature, First Session, 1995; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Avery
Pirsch

Present and not voting, 5:

Chambers
Crosby
Matzke
Robinson
Witek

Excused and not voting, 2:

Hillman
Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 20, 20A, 25, 25A, 37, 37A, 136, 136A, 162, 172, 300, 337, 337A, 382, 401, 401A, 406, and 406A.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 275 and 275A.

Correctly Engrossed

The following bills were correctly engrossed: 209, 283, 344, 365, and 509.

Enrollment and Review Change to LB 209

The following changes, required to be reported for publication in the Journal, have been made:

ER9103

1. In the Preister amendment, FA323, on page 1, the language added by lines 2 through 7 has been inserted in the E & R amendments, AM7156, on page 28, line 4, after the period and the remainder of the amendment to page 27 has been struck; and in line 12 "Jan." has been struck and "January" inserted.

2. In the E & R amendment, AM7156:

a. On page 44, line 27, "the Game Law" has been struck and "game and parks" inserted; and

b. On page 45, line 11, "to provide for user fees for recreational trails;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 275A

The following changes, required to be reported for publication in the Journal, have been made:

ER9105

1. On page 1, line 1, "46 and 82" has been struck and "58 and 96" inserted; in line 6 "to eliminate an appropriation; to provide an operative date;" has been inserted after the second semicolon; and in line 7 "to outright repeal section 38, Legislative Bill 389, Ninety-fourth Legislature, First Session, 1995;" has been inserted after the semicolon.

Enrollment and Review Change to LB 283

The following changes, required to be reported for publication in the Journal, have been made:

ER9104

1. In the Wehrbein amendment, FA330, on page 2, line 5, "the" has been inserted after "for"; and in line 6 "the" has been inserted after "in".

2. In the E & R amendments, AM7159, on page 2, line 4, an underscored period has been inserted after "kingdom" and the period has been struck and shown as stricken.

3. On page 1, line 6, "offenses" has been struck and "offense" inserted.

Enrollment and Review Change to LB 344

The following changes, required to be reported for publication in the Journal, have been made:

ER9099

1. In the Schellpeper et al. amendment, AM2506, on page 7, line 20, "percent" and "percent" have both been struck.

2. In the Hartnett amendment, FA320, on page 1, paragraphing has been inserted before both occurrences of "(d)"; and punctuation has been corrected.

3. On page 1, line 2, "9-347.01," has been inserted after "9-345.03,"; in line 3 "and" has been struck and "and 9-625," has been

inserted after the second comma; in line 6 "9-347," has been inserted after "9-329.02,"; in line 7 "9-629," has been inserted after "9-623,"; in line 11 "to change and eliminate provisions on distribution and use of proceeds;" has been inserted after the first semicolon; in line 12 "commission" has been struck and "fund" inserted; and line 14 has been struck and "9-629.02, Revised Statutes Supplement, 1994." inserted.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 189 in the Journal. No objections. So ordered.

(1)

FA334
P. 2, Strike lines 1-19.

(2)

FA335
P. 2, line 4, Strike "eight" and insert "six".

(3)

FA336
P. 4, lines 5 and 6, Strike the new matter; lines 6 and 7, reinstate the stricken matter.

(4)

FA337
P. 5, line 18, Strike "and" and show as stricken; line 21, after "Governor", insert, "and one additional citizen who shall be appointed at large"

(5)

FA338
Pages 5 and 6, Strike section 5.

(6)

FA339
P. 9, line 5, after "with", insert "a representative sampling of the"; strike beginning with "as" through "appropriate" in line 6.

(7)

FA340
Strike the enacting clause.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on Final Passage of LBs 524, 524A, 535, 593, 593A, and 616.

(Signed) Curt Bromm

VISITORS

Visitors to the Chamber were Kevin and Gina Marie Mills from Orlando, Florida; Brent Siegrist from Council Bluffs, Iowa; Timothy Lowenstein from Kearney; and 11 Boy Scouts and sponsor from Troop 45, Lincoln.

ADJOURNMENT

At 9:55 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Wednesday, May 31, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-EIGHTH DAY - MAY 31, 1995

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH DAY - MAY 31, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 31, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor William Waterman, St. Paul's Lutheran Church, Hebron, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Hall, Kristensen, Landis, Lynch, Robinson, Schrock, Warner, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

On page 2627, line 14, after the word amendment insert ", to LB 275".
On page 2631, line 33, delete "**RESOLUTION**" and insert "**BILL**".
The Journal for the eighty-seventh day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 1995, at 10:20 p.m., were the following bills: 20, 20A, 25, 25A, 37, 37A, 136, 136A, 162, 172, 300, 337, 337A, 382, 401, 401A, 406, and 406A.

(Signed) Leona M. Shields
Clerk of the Legislature's Office

APPROPRIATIONS COMMITTEE REPORT ON LB 389

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 389 (State Employee Salaries), as follows:

Agency 07--Governor --Program 18--Policy Research Office(Sec 11)	$335	$678
Agency 15--Board of Pardons & Board of Parole --Program 358--Board of Parole(Sec 34)	1,107	1,568
Agency 32--Board of Educational Land and Funds --Program 529--Land Surveys(Sec 88)	195	396
Agency 47--Neb. Educational Telecommunications Comm. --Program 533--Educational Telecomm(Sec 107)	26,198	40,608
--Program 566--Public Radio(Sec 108)	1,864	2,889
Agency 48--Coordinating Commission for Postsec Ed --Program 640--Postsecondary Ed Coordination(Sec 109)	5,838	7,710
Agency 50--Bd of Trustees of Neb State Colleges --Program 700--State College System(Sec 110)	--0--	155,298
Agency 51--University of Nebraska --Program 781--Central Admin.--Systemwide(Sec 111)	3,000,000	7,000,000
Agency 87--Accountability and Disclosure Comm. --Program 94--Administration(Sec 162)	2,526	3,916
TOTAL VETOES TO LB 389	$3,038,063	$7,213,063

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

APPROPRIATIONS COMMITTEE REPORT ON LB 392

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 392 (Government Operations and Aid), as outlined in the attached schedules, "General Fund Vetoes--LB 392," and "Detail Listing--Specific LB 392 General Fund Vetoes."

Total General Fund vetoes as contained in this bill are $14,046,080 in FY 1995-96 and $17,498,345 in FY 1996-97.

The proposed vetoes may adversely affect state government operations in several areas.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

Attachment

SELECT FILE

LEGISLATIVE BILL 371. The Lindsay-Beutler-Bromm pending amendment, AM2515, found in the Journal on page 2553, to the Landis pending amendment, AM1339, found in the Journal on page 1472, was renewed.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a division of the question on the Lindsay et al. amendment.

The Chair sustained the division of the question.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Lindsay et al. amendment, to the Landis pending amendment, is as follows:
FA341

(Amendments to AM1339)

1. Insert the following new sections:

"Sec. 27. Section 83-925.07, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of

secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1996. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 29:

Avery
Beutler
Bohlke
Bromm
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
McKenzie
Pirsch
Preister
Robak
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 5:

Bernard-Stevens
Chambers
Crosby
Kristensen
Schmitt

Present and not voting, 7:

Brown
Hall
Maurstad
Pedersen
Robinson
Schimek
Withem

Absent and not voting, 1:

Schellpeper

Excused and not voting, 7:

Abboud
Brashear
Hillman
Landis
Lynch
Warner
Will

The motion to cease debate prevailed with 29 ayes, 5 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Mr. Chambers requested a roll call vote on the first Lindsay et al. amendment.

Voting in the affirmative, 38:

Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 2:

Crosby
Pedersen

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Schellpeper

Excused and not voting, 7:

Abboud
Brashear
Hillman
Landis
Lynch
Warner
Will

The first Lindsay et al. amendment was adopted with 38 ayes, 2 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely, Dierks, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on division one, FA341, of the Lindsay amendment.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 2:

Chambers
Crosby

Voting in the negative, 37:

Abboud
Avery
Beutler
Bohlke
Bromm
Brown
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 5:

Bernard-Stevens
Coordsen
Cudaback
Maurstad
Pedersen

Excused and not voting, 5:

Brashear
Hillman
Lynch
Warner
Will

The Chambers motion to reconsider lost with 2 ayes, 37 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to bracket LB 371 until January 10, 1996.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 3:

Chambers
Crosby
Schellpeper

Voting in the negative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Witek
Withem

Present and not voting, 3:

Hall
Schimek
Wickersham

Excused and not voting, 3:

Hillman
Warner
Will

The Chambers motion to bracket lost with 3 ayes, 40 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Lindsay moved to invoke cloture on LB 371.

Mr. Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Chambers
Crosby
Hall
Lynch

Present and not voting, 1:

Bernard-Stevens

Excused and not voting, 2:

Hillman
Warner

The Lindsay motion for cloture prevailed with 42 ayes, 4 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a roll call vote on the balance of the Lindsay et al. amendment, AM2515, to the Landis pending amendment, AM1339.

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Chambers
Crosby

Excused and not voting, 2:

Hillman
Warner

The balance of the Lindsay et al. amendment was adopted with 45 ayes, 2 nays, and 2 excused and not voting.

Mr. Chambers requested a roll call vote on the Landis amendment, AM1339, as amended.

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 5:

Chambers
Crosby
Lynch
Robak
Wesely

Excused and not voting, 2:

Hillman
Warner

The Landis amendment, as amended, was adopted with 42 ayes, 5 nays, and 2 excused and not voting.

Mr. Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak

Robinson Schmitt Vrtiska Wesely Witek
Schellpeper Schrock Warner Will Withem
Schimek Stuhr Wehrbein

Voting in the negative, 5:

Chambers Crosby Hall Lynch Wickersham

Present and not voting, 1:

Elmer

Excused and not voting, 1:

Hillman

Advanced to E & R for engrossment with 42 ayes, 5 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 371A. Title read. Considered.

Mr. Lindsay withdrew his amendment, AM2374, found in the Journal on page 2383.

Mr. Lindsay moved to indefinitely postpone LB 371A.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Schrock, Elmer, Maurstad, Fisher, Beutler, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on the Lindsay motion to indefinitely postpone.

Voting in the affirmative, 25:

Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Hartnett
Janssen
Jensen
Jones
Landis
Lindsay
Matzke
McKenzie
Pedersen
Preister
Robak
Robinson
Schmitt
Stuhr
Vrtiska
Will
Witek
Withem

Voting in the negative, 8:

Bernard-Stevens
Chambers
Crosby
Kristensen
Pirsch
Schimek
Warner
Wickersham

Present and not voting, 7:

Abboud
Avery
Brashear
Engel
Hudkins
Wehrbein
Wesely

Excused and not voting, 9:

Beutler
Elmer
Fisher
Hall
Hillman
Lynch
Maurstad
Schellpeper
Schrock

The Lindsay motion to indefinitely postpone prevailed with 25 ayes, 8 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 272. Introduced by Bohlke, 33.

WHEREAS, Dr. Thomas J. Reeves has served as the President of Hastings College since the summer of 1985; and

WHEREAS, during his presidency, Hastings College has been ranked as one of the top fifty-eight liberal arts colleges in the United States; and

WHEREAS, during his presidency, the physical plant of Hastings College has been improved and beautified, the Gray Center for Communication Arts and the Daugherty Alumni Conference Center have been built and equipped, and the Steinhart Hall of Science, the Scott Studio Theatre, and the Hazelrigg Student Union have been renovated and expanded; and

WHEREAS, Dr. Reeves has been a champion for students and has fostered innovative academic programs and library improvements to enhance student learning; and

WHEREAS, Dr. Reeves has raised the profile of and admiration for Hastings College within the Hastings community by being a visible and active member of the community and encouraging the involvement of the community in projects and activities of Hastings College; and

WHEREAS, Dr. Reeves has also served the state and its citizens as a member of the Nebraska Educational Telecommunications Commission and as Chairperson of the Association of Independent Colleges and Universities of Nebraska; and

WHEREAS, Dr. Tom Reeves announced his retirement as President of Hastings College on June 1, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulate Dr. Thomas J. Reeves on his successful tenure as President of Hastings College and wish him and his wife Delores well in their retirement.

2. That a copy of this resolution be sent to Dr. Thomas and Delores Reeves.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2591

(Amendments to E & R amendments, AM7163)

1. Insert the following new sections:

"Sec. 29. There is hereby appropriated $25,000 from the General Fund for FY1995-96 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 30. There is hereby appropriated $179,316 from the General Fund for FY1996-97 to the Department of Correctional Services, for Program 215, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining sections accordingly.

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM2590

(Amendments to E & R amendments, AM7163)

1. Insert the following new section:

"Sec. 29. Pursuant to section 50-129, the estimated operating costs resulting from increased population in state correctional facilities for the first four fiscal years Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995, will be in effect are (1) -0- for FY1995-96, (2) $179,316 for FY1996-97, (3) $541,464 for FY1997-98, and (4) $541,464 for FY1998-99.".

2. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 371A in the Journal. No objections. So ordered.

AM2592

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $25,000 from the General Fund for FY1995-96 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated $179,316 from the General Fund for FY1996-97 to the Department of Correctional Services, for Program 215, to aid in carrying out the provisions of Legislative Bill 371, Ninety-fourth Legislature, First Session, 1995.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 383. Placed on General File.

(Signed) Doug Kristensen, Chairperson

VISITORS

Visitors to the Chamber were Bill and Sherylanne Waterman from Hebron; Senator Schellpeper's son and grandson, Jeff and Eric Schellpeper, from Lincoln; and 40 fourth grade students and sponsors from Joslyn Elementary, Omaha.

RECESS

At 12:08 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Lynch who were excused; and Mr. Will who was excused until he arrives.

PRESIDENT ROBAK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 574.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend sections 8-1,131, 8-318, 8-326, 10-1001, 18-1749, 21-1773.01, 21-19,107, 21-19,108, 25-1563.01, 25-21,190, 30-3215, 30-3216, 44-202, 44-404, 44-407.10, 44-704, 44-5802, 45-803, 48-628.03, 58-212, 58-440, 60-686, 68-602, 76-2,111, 77-907, 77-2002, 79-1046.01, 79-1049.06, 79-1056, 79-1522.04, 79-1522.05, 79-1531, 81-2017, 81-2027.01, 81-2027.02, 81-2032, 84-1308, 84-1311.01, 84-1311.02, 84-1503.01, 85-106, 85-320, 85-606.01, and 87-602, Reissue Revised Statutes of Nebraska, and sections 9-211, 9-217.01, 9-226, 9-309, 9-322, 9-418, 9-508, 9-620, 10-140, 13-203, 14-2111, 16-1002, 16-1004, 16-1005, 16-1019, 16-1021, 16-1023, 16-1024, 16-1038, 16-1042, 23-1118, 23-2307, 23-2310.01, 23-2310.02, 24-703, 24-703.01, 24-703.02, 24-710.02, 44-1640, 44-1643, 44-5256, 48-602, 48-604, 68-1047, 68-1605, 71-7412, 76-2102, 77-118, 77-120, 77-2101, 77-2101.01, 77-2101.02, 77-2103, 77-2104, 77-2115, 77-2702.09, and 77-3504, Revised Statutes Supplement, 1994; to provide for applicability of the code; to harmonize references to the code; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day

Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lindsay
Schmitt

Excused and not voting, 3:

Hillman
Lynch
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 19. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-301.02, Revised Statutes Supplement, 1994; to change the number of judges in district court judicial districts and the separate juvenile courts; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Janssen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Jensen

Excused and not voting, 4:

Hillman
Hudkins
Lynch
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 19A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 19, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Janssen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
Pedersen
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 3:

Jensen
McKenzie
Robinson

Excused and not voting, 3:

Hillman
Hudkins
Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 189 to Select File

Mr. Chambers moved to return LB 189 to Select File for his specific amendment, FA334, found in the Journal on page 2650.

Mr. Chambers withdrew his motion to return.

Mr. Chambers moved to return LB 189 to Select File for the following specific amendment:
FA348
P. 2 - In section 1, strike the new matter and reinstate the stricken matter.
Strike section 13.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 12:

Avery
Bernard-Stevens
Chambers
Coordsen
Fisher
Janssen
Jensen
Jones
Pirsch
Schimek
Schmitt
Witek

Voting in the negative, 25:

Abboud
Beutler
Bohlke
Brashear
Bromm
Crosby
Day
Elmer
Engel
Hall
Hartnett
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pedersen
Schellpeper
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will

Present and not voting, 10:

Brown
Cudaback
Dierks
Hudkins
Maurstad
Preister
Robak
Robinson
Schrock
Withem

Excused and not voting, 2:

Hillman
Lynch

The Chambers motion to return lost with 12 ayes, 25 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Chambers withdrew his amendment, FA335, found in the Journal on page 2650.

Mr. Chambers moved to return LB 189 to Select File for his specific amendment, FA336, found in the Journal on page 2650.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return lost with 3 ayes, 35 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to return LB 189 to Select File for his specific amendment, FA337, found in the Journal on page 2650.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud requested a roll call vote on the Chambers motion to return.

Mr. Bernard-Stevens requested the roll call vote be taken in reverse order.

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Chambers
Coordsen
Crosby
Cudaback
Day
Fisher
Hall
Janssen
Jensen
Jones
Lindsay
Matzke
McKenzie
Pedersen
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wesely
Will
Withem

Voting in the negative, 15:

Abboud
Bromm
Engel
Hartnett
Hudkins
Kristensen
Landis
Maurstad
Pirsch
Robak
Robinson
Vrtiska
Warner
Wickersham
Witek

Present and not voting, 3:

Brown
Elmer
Wehrbein

Excused and not voting, 3:

Dierks	Hillman	Lynch

The Chambers motion to return prevailed with 28 ayes, 15 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 189. The Chambers specific amendment, FA337, found in the Journal on page 2650, was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 189

Mr. Chambers withdrew his amendment, FA338, found in the Journal on page 2650, to LB 189.

MOTION - Return LB 189 to Select File

Mr. Chambers moved to return LB 189 to Select File for his specific amendment, FA339, found in the Journal on page 2650.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 189. The Chambers specific amendment, FA339, found in the Journal on page 2650, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Expedite LB 189

Mr. Chambers asked unanimous consent to expedite LB 189. No objections. So ordered.

WITHDRAW - Amendment to LB 189

Mr. Chambers withdrew his amendment, FA340, found in the Journal on page 2650, to LB 189.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 376.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1211, Reissue Revised Statutes of Nebraska, and section 37-1214, Revised Statutes Supplement, 1994; to provide an exemption from the numbering requirement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Hall
Hartnett
Hudkins
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Engel
Fisher
Jones

Excused and not voting, 4:

Dierks
Hillman
Lynch
Stuhr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 377. With Emergency.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330, 66-1333, 66-1344, and 66-1345, Revised Statutes Supplement, 1994; to impose an excise tax on corn and grain sorghum; to provide for transfers of funds; to provide a penalty; to define terms; to change provisions relating to ethanol production credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Avery
Fisher
Schimek

Excused and not voting, 4:

Dierks
Hillman
Lynch
Stuhr

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 377A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad

McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Avery
Crosby
Fisher
Schimek
Wesely

Excused and not voting, 4:

Dierks
Hillman
Lynch
Stuhr

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 430.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 1994; to provide exemptions for certain molds, dies, and patterns and for materials used in the manufacturing of steel or cement; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Avery
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hartnett
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Schellpeper
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 11:

Bernard-Stevens
Beutler
Chambers
Hall
Janssen
Landis
Lindsay
Preister
Schimek
Wesely
Withem

Present and not voting, 2:

Robinson
Schmitt

Excused and not voting, 4:

Dierks
Hillman
Lynch
Stuhr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 494.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2301 to 21-2317, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Industrial Development Corporation Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 2:

Chambers
Hall

Present and not voting, 3:

Brashear
Elmer
Withem

Excused and not voting, 3:

Hillman
Lynch
Stuhr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 574, 19, 19A, 376, 377, 377A, 430, and 494.

MOTION - Return LB 626 to Select File

Mr. Beutler renewed his pending motion, found in the Journal on page 2364, to return LB 626 to Select File for his specific amendment, AM1974, found in the Journal on page 2241.

Messrs. Cudaback, Maurstad, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mrs. Witek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Abboud
Avery
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Jensen
Kristensen
Matzke
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 5:

Beutler
Chambers
Hall
Preister
Wesely

Present and not voting, 9:

Bernard-Stevens
Hartnett
Brashear
Janssen
Landis
Lindsay
Robak
Schimek
Vrtiska

Excused and not voting, 4:

Hillman
Jones
Lynch
Maurstad

The motion to cease debate prevailed with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Beutler requested a roll call vote on his motion to return LB 626 to Select File.

Voting in the affirmative, 13:

Abboud
Avery
Bernard-Stevens
Beutler
Chambers
Crosby
Hall
Hartnett
Janssen
Preister
Schellpeper
Schimek
Withem

Voting in the negative, 22:

Bohlke
Brashear
Bromm
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hudkins
Jensen
Kristensen
Matzke
Pedersen
Pirsch
Robinson
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Witek

Present and not voting, 10:

Brown
Coordsen
Landis
Lindsay
McKenzie
Robak
Schmitt
Vrtiska
Wesely
Will

Excused and not voting, 4:

Hillman
Jones
Lynch
Maurstad

The Beutler motion to return lost with 13 ayes, 22 nays, 10 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on Final Reading of LB 377e and LB 377Ae.

(Signed) Elaine Stuhr

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 31, 1995, at 4:50 p.m., were the following bills: 574, 19, 19A, 376, 377, 377A, 430, and 494.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 189.

Correctly Engrossed

The following bill was correctly engrossed: 371.

Enrollment and Review Change to LB 189

The following changes, required to be reported for publication in the Journal, have been made:
ER9107

1. In the Chambers amendment, FA337, on page 1, the matter beginning with "18" through the second "line" has been struck.
2. In the Chambers amendment, FA339, on page 1, "line 6" has been struck and "lines 5 and 6" inserted.

Enrollment and Review Change to LB 371

The following changes, required to be reported for publication in the Journal, have been made:
ER9106

1. In the Lindsay-Beutler-Bromm amendment, AM2515, on page 4, lines 10 and 11, "to" has been inserted before "attempt" in line 13 "83-1,123," has been struck; and in line 14 "83-1,123" has been struck and "83-924.07" inserted.
2. In the E & R amendments, AM7163:

a. On page 1, lines 5 and 6, "5, 25, and 28" has been struck and "28 and 31" inserted;
b. On page 28, line 10, "26" has been struck and "29" inserted; and
c. On page 32, line 4, "28-318, 28-320," has been inserted after the first comma; in line 6 "and 83-4,114.01" has been struck and "83-4,114.01, and 83-925.07" inserted; in line 7 "28-319," has been inserted after the first comma; the matter beginning with "create" in line 11 through "into" in line 12 has been struck and "change provisions relating to and provide for the offenses of unauthorized use of" inserted; in line 13 the matter beginning with "possession" through the second comma has been struck; in line 18 "appeals" has been struck and "sexual assault" inserted; in line 20 "youth development centers," has been struck; and in line 23 "to change provisions relating to facilities and services for juveniles;" has been inserted after the first semicolon and "to provide operative dates;" has been inserted after the second semicolon.

(Signed) David I. Maurstad, Chairperson

MOTION - Override Line-Item Veto on LB 392

Mr. Bernard-Stevens moved to override the Governor's veto of LB 392, Section 147, Agency No. 47, of $70,280 for FY 1995-96 and $70,280 for FY 1996-97.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

AM2585

(Amendments to Standing Committee amendments, AM1654)

1. Insert the following new sections:

"Sec. 90. The State Property Tax Relief Fund is created. The money in the fund shall be distributed by the State Treasurer annually to counties on the basis of each county's population as compared to state population. All money received by a county pursuant to this section shall be used to reduce the property tax levy of the county, and such money shall be considered property taxes for purposes of sections 77-3437 to 77-3441. The county treasurer shall notify each taxpayer on his or her property tax statement of the total amount of property tax valuation assessed, the reduction in valuation provided by this section, the net valuation, the total amount of property tax levied, the reduction in tax, and the net tax due. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 12, strike lines 16 through 20 and insert the following new subdivisions:

"(a) Fifty percent to the county, city, or village conducting the electronic lottery for property tax relief. The county treasurer shall notify each taxpayer on his or her property tax statement of the total amount of property tax valuation assessed, the reduction in valuation provided by funds generated pursuant to this subdivision, the net valuation, the total amount of property tax levied, the reduction in tax, and the net tax due; and

(b) Fifty percent to the State Property Tax Relief Fund;".

3. On page 20, strike lines 19 through 26 and insert the following new subdivisions:

"(i) Fifty percent to the host community for property tax relief. The county treasurer shall notify each taxpayer on his or her property tax statement of the total amount of property tax valuation assessed, the reduction in valuation provided by funds generated pursuant to this subdivision, the net valuation, the total amount of property tax levied, the reduction in tax, and the net tax due; and

(ii) Fifty percent to the State Property Tax Relief Fund;".

4. Renumber the remaining sections accordingly.

MOTION - Reconsider Action on LB 626

Mr. Wesely moved to reconsider the Beutler motion to return to Select File for AM1974.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Wesely withdrew his motion to reconsider.

WITHDRAW - Amendment to LB 646

Mrs. Witek withdrew her amendment, AM1677, found in the Journal on page 1945, to LB 646.

MOTION - Return LB 646 to Select File

Mrs. Witek moved to return LB 646 to Select File for her specific amendment, AM2388, found in the Journal on page 2396.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

The Witek motion to return lost with 2 ayes, 20 nays, 22 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 646.

A BILL FOR AN ACT relating to indigent defense; to adopt the County Revenue Assistance Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 7:

Abboud
Avery
Bernard-Stevens
Jensen
Preister
Will
Witek

Present and not voting, 2:

Robinson
Withem

Excused and not voting, 5:

Hillman
Jones
Lynch
Pirsch
Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 646A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 646, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely

Wickersham
Will
Withem

Voting in the negative, 3:

Abboud
Jensen
Witek

Present and not voting, 4:

Crosby
Landis
Preister
Robinson

Excused and not voting, 5:

Hillman
Jones
Lynch
Pirsch
Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 696.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-311.10, and 60-311.11, Reissue Revised Statutes of Nebraska; to provide for message license plates for farm trucks; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Avery
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 5:

Bernard-Stevens
Beutler
Chambers
Hall
Schimek

Present and not voting, 3:

Landis
Warner
Will

Excused and not voting, 4:

Hillman	Lynch	Pirsch	Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGES FROM THE GOVERNOR

May 31, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 524, 524A, 535, 593, 593A, 616, 326, 89, 89A, 311, 390, 429, 241, and 887 were received in my office on May 25, 1995.

These bills were signed by me on May 31, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 31, 1995

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 326Ae without my approval. I am asking the Department of Economic Development to absorb these responsibilities using existing resources.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PROPOSED RULES CHANGES

Mr. Withem asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Rule 7, Sec. 3(d)
(d) No motion, proposition, or subject, different from that under reconsideration, shall be admitted under color of amendment. Any amendment, whether offered by a committee or a senator, that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that related to a substantially different subject.

Referred to Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Rule 3, Sec. 12
Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the ~~same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed.~~ subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

Referred to the Rules Committee.

MOTION - Return LB 712 to Select File

Mr. Chambers moved to return LB 712 to Select File for his specific amendment, AM1641, found in the Journal on page 1657.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

PRESIDENT ROBAK PRESIDING

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 38:

Avery

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Dierks
Elmer
Engel
Fisher
Hall
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
Pedersen
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Present and not voting, 5:

Crosby
Cudaback
Hartnett
McKenzie
Schimek

Absent and not voting, 1:

Abboud

Excused and not voting, 4:

Hillman
Lynch
Pirsch
Schmitt

The Chambers motion to return lost with 1 aye, 38 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 712.

A BILL FOR AN ACT relating to parental rights; to amend sections 30-2608, 43-102, 43-104, 43-104.02, 43-104.04, 43-104.05, 43-105, 43-906, and 43-1202, Reissue Revised Statutes of Nebraska, and sections 43-104.03 and 43-1411, Revised Statutes Supplement, 1994; to provide, in the adoption of a child born out of wedlock, for an affidavit, for notice to the biological father as prescribed, for appointment of guardians ad litem, for determination or termination of parental rights, for a biological father registry, and for the alternative of court appointment of a guardian other than the surviving natural parent of a minor in probate proceedings; to harmonize provisions; to change and eliminate provisions relating to paternity claims and relinquishment for adoption requirements; to repeal the original sections; and to outright repeal section 43-104.06, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Avery
Beutler
Bohlke
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robinson
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 11:

Bernard-Stevens
Brashear
Chambers
Crosby
Dierks
Hall
Hartnett
Lindsay
Pedersen
Preister
Will

Present and not voting, 3:

Engel
Robak
Schrock

Excused and not voting, 4:

Hillman
Lynch
Pirsch
Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 712A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 712, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Engel
Fisher
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Robinson
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 6:

Chambers Hall Hartnett Lindsay Pedersen
Crosby

Present and not voting, 4:

Dierks Preister Robak Schrock

Excused and not voting, 4:

Hillman Lynch Pirsch Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 626 to Select File

Mr. Landis moved to return LB 626 to Select File for the following specific amendment:
AM2596

(Amendments to Final Reading copy)

1. On page 2, line 12, strike the second "documents" and insert "written reports"; and in line 13, after "committee" insert "for the purpose of ascertaining compliance with federal or state statutory or regulatory requirements or for the performance of any function described in subdivisions (1) through (3) of section 2 of this act, which is not a policy otherwise in violation of any other state or federal regulatory requirements".

2. On page 4, line 1, after the second "documents" insert "and shall not preclude a depository institution's primary state or federal regulator from obtaining compliance review documents".

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis motion to return prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 626. The Landis specific amendment, AM2596, found in this day's Journal, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 752.

A BILL FOR AN ACT relating to mental health; to adopt the Rehabilitation and Support Mental Health Services Incentive Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens
Matzke

Excused and not voting, 6:

Hillman
Lindsay
Lynch
Pirsch
Schmitt
Schrock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 3CA to Select File

Mr. Kristensen moved to return LR 3CA to Select File for the following specific amendment:
FA350
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 3CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the primary election in May 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 28:

IV-28 "~~A Tax Commissioner~~ By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor ~~with the advice and consent of the Senate. He~~ as provided by law. The commission shall have ~~jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have~~ power to review and equalize assessments of property for taxation within the state~~. He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His term~~ The terms of office and compensation of members of the commission shall be as provided by law.

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to establish and provide powers and duties for the Tax Equalization and Review Commission, to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer, and to provide for appointment of a Tax Commissioner and provide for powers and duties.
For
Against".

Mr. Kristensen requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 6:

Abboud
Crosby
Hall
Preister
Stuhr
Witek

Present and not voting, 1:

Withem

Excused and not voting, 5:

Hillman
Lynch
Pirsch
Schmitt
Schrock

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the resolution failed to pass for the primary election. The question is, "Shall the resolution pass for the general election?"

Voting in the affirmative, 37:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Robak
Robinson
Schellpeper
Schimek
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Abboud
Crosby
Hall
Preister
Stuhr
Witek

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Hillman
Lynch
Pirsch
Schmitt
Schrock

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

UNANIMOUS CONSENT - Members Excused

Messrs. Schellpeper and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 490 to Select File

Mr. Bromm moved to return LB 490 to Select File for his specific amendment, FA226, found in the Journal on page 2242.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on the Bromm motion to return.

Voting in the affirmative, 15:

Abboud
Bromm
Crosby
Dierks
Engel
Fisher
Hall
Hudkins
Janssen
Jensen
Jones
Preister
Stuhr
Vrtiska
Witek

Voting in the negative, 23:

Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Cudaback
Day
Elmer
Hartnett
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Robak
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 4:

Avery
Chambers
Pedersen
Robinson

Excused and not voting, 7:

Coordsen
Hillman
Lynch
Pirsch
Schellpeper
Schmitt
Schrock

The Bromm motion to return lost with 15 ayes, 23 nays, 4 present and not voting, and 7 excused and not voting.

SPEAKER WITHEM PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 490.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-1611, 46-133, 77-202.02, 77-202.04, 77-202.05, 77-202.06, 77-202.07, 77-202.08, 77-202.25, 77-367, 77-369, 77-371, 77-376, 77-415, 77-416, 77-418, 77-419, 77-420, 77-421, 77-425, 77-428, 77-508.01, 77-601, 77-602, 77-605, 77-606, 77-607, 77-608, 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-801, 77-802, 77-803, 77-804, 77-1216, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04, 77-1250.05, 77-1301.02, 77-1301.03, 77-1301.04, 77-1301.06, 77-1301.08, 77-1301.14, 77-1301.15, 77-1306.01, 77-1314, 77-1325, 77-1329, 77-1330, 77-1331, 77-1332, 77-1334, 77-1336, 77-1339, 77-1340, 77-1346, 77-1371, 77-1507, 77-1510.01, 77-1511, 77-1513, 77-1515, 77-1606, 77-1613.02, 77-1615.01, 77-1623, 77-1704.01, 77-1705, 77-1738, 77-1749, 77-1750, 77-1760, 77-1763, 77-1766, 77-3519, 77-3902, 77-3903, 77-3907, 77-3908, 79-3809, 79-3819, 79-3823, 81-15,102.01, 81-15,113.01, and 84-920, Reissue Revised Statutes of Nebraska, sections 13-504, 18-2713, 76-214, 77-120, 77-202.01, 77-202.03, 77-366, 77-375, 77-399, 77-3,113, 77-3,114, 77-507.01, 77-508, 77-509, 77-603, 77-604, 77-615, 77-680, 77-681, 77-682, 77-683, 77-684, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-1229, 77-1233.04, 77-1239, 77-1239.01, 77-1239.02, 77-1240.01, 77-1240.04, 77-1248, 77-1249, 77-1301.01, 77-1301.07, 77-1301.12, 77-1301.13, 77-1311, 77-1327, 77-1333, 77-1342, 77-1360.01, 77-1361, 77-1362, 77-1363, 77-1364, 77-1367, 77-1376, 77-1377, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1613.01, 77-1735, 77-1736.06, 77-1775, 77-1775.01, 77-3438, 77-3904, 77-3905, and 77-3906, Revised Statutes Supplement, 1994, section 77-1716, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995, section 77-1601, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 167, Ninety-fourth Legislature, First Session, 1995, and section 16, Legislative Bill 452, Ninety-fourth Legislature, First Session, 1995; to adopt the Tax Equalization and Review Commission Act; to create the position of Property Tax Administrator; to transfer certain powers and duties of the Tax Commissioner and Department of Revenue to the Property Tax Administrator; to change and eliminate provisions relating to assessment, valuation, and taxation of property; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 77-1373, 77-1747, 77-1751, 77-1752, 77-1753, 77-1754, 77-1755, 77-1755.01, 77-1756, 77-1757, 77-1758, 77-1768, 77-1769, and 77-1770, Reissue Revised Statutes of Nebraska, and sections 77-1372 and 77-1506.02, Revised Statutes Supplement, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Crosby
Day
Dierks
Elmer
Fisher
Hartnett
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Robak
Schimek
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Abboud
Bromm
Cudaback
Hall
Hudkins
Janssen
Jensen
Jones
Stuhr
Witek

Present and not voting, 4:

Chambers
Engel
Maurstad
Robinson

Excused and not voting, 6:

Coordsen
Hillman
Pirsch
Preister
Schellpeper
Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 490A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robak
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 10:

Abboud
Bromm
Hall
Hudkins
Janssen
Jensen
Jones
Robinson
Stuhr
Witek

Present and not voting, 5:

Chambers
Crosby
Cudaback
Vrtiska
Withem

Excused and not voting, 6:

Coordsen
Hillman
Pirsch
Preister
Schellpeper
Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LBs 646, 646A, 696, 712, 712A, 752, 490, 490A, and LR 3CA.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 626.

(Signed) David I. Maurstad, Chairperson

MOTION - Reconsider Action on LR 3CA

Mr. Withem moved to reconsider the Final Reading vote on LR 3CA with the primary election date attached.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 273. Introduced by Landis, 46.

WHEREAS, Alice Bigpond Roach was in the vanguard of local American Indian affairs for the past twenty years; and

WHEREAS, Alice, a member of the Yuchi-Creek Tribes, worked for seventeen years at the Lincoln Indian Center as a volunteer, staff member, member of the Board of Directors, and as Executive Director from 1981-82; and

WHEREAS, Alice possessed a special talent for working with people of all cultures and races and had a positive, upbeat, nonjudgmental attitude; and

WHEREAS, Alice also served on the Mayor's Human Rights Commission, the Community Development Task Force, and the boards of the YWCA, Lincoln Council on Alcoholism and Drugs, Human Services Planning Council, and the Lincoln Action Program; and

WHEREAS, Alice is especially known and respected for her leadership in the area of job training and adult education; and

WHEREAS, Alice Bigpond Roach died Sunday, May 21, 1995, of cancer at the age of 66.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the outstanding public service work of Alice Bigpond Roach.
2. That the Legislature expresses its condolences to the family and friends of Alice Bigpond Roach.
3. That a copy of this resolution be sent to the family of Alice Bigpond Roach.

Laid over.

VISITORS

Visitors to the Chamber were Denisa Ambrova and Margita Zustinova from the Republic of Slovakia.

The Doctor of the Day was James Shelton from Omaha.

ADJOURNMENT

At 8:51 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, June 1, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-NINTH DAY - JUNE 1, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 1, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Eugene Watson, District Superintendent Southwest District, Methodist Church, McCook, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Hall, Kristensen, Lindsay, Lynch, Robinson, Warner, Wesely, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 31, 1995, at 9:00 p.m., were the following bills: 646, 646A, 696, 712, 712A, 752, 490, and 490A.

(Signed) Leona M. Shields
Clerk of the Legislature's Office

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on Final Reading of LB 752.

(Signed) Ed Schrock

ATTORNEY GENERAL'S OPINION

Opinion No. 95045

DATE:	May 30, 1995
SUBJECT:	Art. III, § 2 of the Nebraska Constitution; Priority of Proposed Amendments Affecting the Same Portions of the State Constitution
REQUESTED BY:	Senator Dan Lynch Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

Art. III, § 2 of the Nebraska Constitution deals with initiative measures proposed by the people of Nebraska for enactment of laws and amendment of the state constitution. With respect to such initiative measures, Art. III, § 2 provides, as is pertinent to our discussion:

> If conflicting {initiative} measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions.

Art. XVI, § 1 of the Nebraska Constitution, on the other hand, deals with the Legislature's ability to propose constitutional amendments. That section does not contain language similar to the language from Art. III, § 2 quoted above.

Your opinion request contains a lengthy hypothetical situation as a preface for the questions which you wish to ask us:

> Assume the Legislature duly adopted LR 93CA, dealing with a constitutional limitation on raising of revenues by taxes on real property and further assume a different proposal was placed before the voters by way of the initiative process, also dealing with taxes and real property. However, assume that the two proposals did not "match." That is the initiative proposal was in essence a "package" and contained provisions not totally reciprocated in LR 93CA. For example, assume the Legislative proposal dealt only with revenues produced from property taxes and while the initiative proposal dealt with that issue as well, it further had a constitutional limitation on a political subdivision's spending.

You then pose your initial question:

> . . . is the language quoted {above} from Article III, Section 2 {regarding conflicting provisions} truly a "winner take all" proposition? Stated another way, does one entire proposal prevail over the other, even though the components of one proposal are not entirely addressed in the other?

For the reasons discussed below, we believe that the answer to your first question is "no."

Before we discuss your initial question, we would note that our research has disclosed no Nebraska Supreme Court cases or previous opinions of this office which deal directly with the various questions raised in your opinion request. Nonetheless, the Nebraska Supreme Court has provided a number of rules for the application and construction of constitutional provisions which have some bearing on the questions which you have presented. The Nebraska Constitution must be read as a whole, and constitutional amendments become an integral part of the instrument which must be construed and harmonized, if possible, with all other provisions so as to give effect to every section and clause as well as to the whole instrument. Jaksha v. State, 241 Neb. 106, 486 N.W.2d 858 (1992); Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 411 N.W.2d 35 (1987). Constitutional provisions relating to the same subject matter should be construed together, with a view to giving effect to each provision if possible. State ex rel. Randall v. Hall, 125 Neb. 236, 249 N.W. 756 (1933). Constitutional provisions are repugnant to each other or conflicting only when they relate to the same subject, are adopted for the same purpose, and cannot be enforced without substantial conflict. Swanson v. State, 132 Neb. 82, 271 N.W. 264 (1937). Differences in constitutional provisions must, if possible, be reconciled. State ex rel. Randall v. Hall, supra.

With those various rules in mind, we believe that there are two reasons why the language of Art. III, § 2 at issue does not create the "winner take all" situation which you described in your initial question. First, the application of that constitutional provision is clearly limited on its face to situations where two proposed constitutional amendments approved at the same election are "conflicting," and "conflicting" in that context must be narrowly defined on the basis of the cases cited above. As a result, in the hypothetical situation described in your letter, if two "non-matching" constitutional amendments were approved by the people, the prioritizing language in Art. III, § 2 would apply only to those provisions in those amendments which were directly "conflicting." All other provisions of both amendments would remain in effect including, in your hypothetical, the components of one proposal which were not entirely addressed in the other.

In addition, under the rules of construction noted above, we believe that courts would generally attempt to reconcile differing constitutional amendments if possible, and to give effect to all the portions of two amendments passed at the same election which were not directly in conflict. Consequently, the courts would not create a "winner take all" situation with respect to two competing constitutional amendments passed at the same election which did not "match". This is true even if the prioritizing language in Art. III, § 2 does not apply in the situation posited in your letter where one constitutional amendment is proposed by initiative and the other by legislative action. On the basis of the authorities above, we believe that courts would still try to reconcile and give effect to "competing" constitutional amendments passed by the people to the extent that they were not in direct conflict.

You next ask whether our answer to your initial question would change if the two competing but not "matching" constitutional amendments you hypothesized were placed on the ballot by two separate initiative efforts instead of by an initiative and separate legislative action. Under those circumstances, Art. III, § 2 would clearly apply, and for the reasons stated above, there would be no "winner take all" situation. Rather, to the extent that the two initiatives were in direct conflict as defined in the Nebraska case law, the initiative with the most votes would control. Otherwise, the non-conflicting provisions in both amendments would be left in effect.

Finally, you state:

> assume one of the initiative petitions contain (sic) the following language:
>
> Should other constitutional amendments be placed on the general election ballot in November of 1996 dealing with local and State taxes, spending and/or revenue limitations, and one or more of these ballot measures should be approved, the intent of the people is the measure receiving the highest number of affirmative votes shall become a part of the Constitution and such other proposed constitutional amendments shall be deemed to be rejected by the people.

You then ask, "{d}oes this language then make the process truly 'winner takes all?' Is the language suggested constitutionally appropriate?"

We are not entirely sure from your letter whether your final scenario contemplates that the intent language above will be inserted in the initiative petitions themselves or in the Nebraska Constitution. Neither are we clear as to what you mean by "constitutionally appropriate." However, for purposes of this opinion, we will assume that the intent language concerning the priority of amendments on the same subject set out above will be placed in the initiative petitions which are circulated, and that it is not intended that such language actually be placed in the Nebraska Constitution.

It appears to us that the intent language which you propose with respect to the priorities of constitutional amendments on the same subject would, in effect, attempt an amendment of the Nebraska Constitution. That is, that language would purport to govern which constitutional amendment would be placed in the Nebraska Constitution under certain circumstances when the Constitution itself currently contains no provisions of that nature. Requirements in a constitution regulating its own amendment are mandatory, and strict observance of every substantial requirement is essential to the validity of the proposed amendment. 16 C.J.S. Constitutional Law § 6. Since the Nebraska Constitution contains no procedure for its amendment by means of insertion of particular intent language in an initiative petition, we do not believe that the constitution could be amended to add the provision which you propose through the inclusion of such language in the initiative petitions themselves.

Moreover, the Nebraska Supreme Court has indicated that the intent of the people in adopting an initiative amendment must be ascertained from the language of the amendment itself, and cannot be determined from the language of the initiative petition. In Omaha National Bank v. Spire, 223 Neb. 209, 389 N.W.2d 269 (1986), the Court stated:

> There is no meaningful way to determine the intent which motivates voters to sign a petition for the submission of an enactment, nor is there any real way to determine the intent of those voters who vote for the adoption of an enactment. The motivations and mental processes of the voter in Verdigre or the elector in Elkhorn cannot be determined -- except from the words of the enactment itself. Beyond that, all that can be known by the court is that the voters have been subjected to tornadolike winds in voting on this highly political question. We hold that the intent of the voters adopting an initiative amendment to the Nebraska Constitution must be determined from the words of the initiative amendment itself.

Id. at 224, 225, 389 N.W.2d at 279. On the basis of the holding in the Omaha National Bank case, it appears to us that inclusion of the intent language which you propose in the initiatives in question would be ineffective to make any changes in the process for amendment of the Nebraska Constitution. Such language could not be used to make the process "winner takes all," and the priority of differing amendments would still be determined based upon the general rules cited above.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-35-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

The following reports were received by the Legislature:

Claims Board, State
Annual Report of all Tort, Miscellaneous, Contract, and Indemnification claims administered by DAS-Risk Management/State Claims Board (§§81-8,226 and 81-8,300, R.R.S. 1943)

Investment Finance Authority, Nebraska (NIFA)
Notice on the 1995 Series A Single Family Issue (§58-270(3))

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LBs 216, 217, 218, 219, 224, 225, 278, 279, 446, 588, 817, and LR 47CA. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 508. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 820. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 818. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 818. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LB 886. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 220. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 844. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 642. Mrs. Hillman, Mses. Day, Schimek, and Mr. Wesely withdrew their motion, found in the Journal on page 2330, to bracket until January 3, 1996.

Mr. Avery asked unanimous consent to withdraw his amendments, FA209, found in the Journal on page 2063, and the balance of AM1575, found in the Journal on page 2060. No objections. So ordered.

Mr. Hall withdrew his amendment, FA211, found in the Journal on page 2067 and considered on page 2078.

Mr. Bernard-Stevens and Ms. Day withdrew their amendments, AM1873 and AM1910, found in the Journal on pages 1923 and 1925.

The Lindsay et al. amendment, AM2117, found in the Journal on page 2083, was withdrawn.

Mr. Avery withdrew his amendment, AM2294, found in the Journal on page 2292.

Mr. Avery renewed his pending amendment, AM2293, found in the Journal on page 2313.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Avery amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mrs. Pirsch requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Voting in the negative, 4:

Day
Schimek
Wesely
Withem

Present and not voting, 1:

Wickersham

Excused and not voting, 5:

Hall
Hillman
Lindsay
Warner
Will

Advanced to E & R for review with 39 ayes, 4 nays, 1 present and not voting, and 5 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 642A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

MOTION - Suspend Rules

Mrs. Crosby moved to suspend the rules, Rule 6, Section 7(b), to permit final reading of LBs 209, 265e, 275e, 275Ae, 283, 296e, 344, 365, 418, 509e, 519, 531e, 563e, 563A, 658, and 658A.

Mr. Chambers requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 34:

Abboud
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen
Pirsch
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Avery
Bernard-Stevens
Bohlke
Cudaback
Hudkins
Lynch
McKenzie
Preister
Robak

Excused and not voting, 5:

Day
Hall
Hillman
Lindsay
Warner

The Crosby motion to suspend the rules prevailed with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 871. With Emergency.

A BILL FOR AN ACT relating to water; to amend sections 46-235.04, 46-613, and 46-663, Reissue Revised Statutes of Nebraska, sections 13-515 and 46-1405, Revised Statutes Supplement, 1994, and section 46-602, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 145, Ninety-fourth Legislature, First Session, 1995; to change provisions relating to irrigation districts, water well priority dates and decommissioning, replacement water wells, ground water preferences, instream appropriations, and meters on water wells; to define terms; to state findings; to provide powers; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Fisher
Robak

Excused and not voting, 6:

Day
Hall
Hillman
Lindsay
Stuhr
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 99.

A BILL FOR AN ACT relating to water; to amend sections 46-122, 46-229, 46-231, 46-290, 46-541, and 46-1008, Reissue Revised Statutes of Nebraska, sections 46-112 and 46-530, Revised Statutes Supplement, 1994, and section 46-261, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 94, Ninety-fourth Legislature, First Session, 1995; to provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners; to authorize the transfer of appropriations between lands within or served by the districts and companies; to provide for notices and hearings; to change provisions relating to registered voters in irrigation districts and reclamation districts; to require reports; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 5:

Day
Hall
Hillman
Stuhr
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 369.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305, 79-1503, 81-2017, 81-2019, 84-1305, 84-1511, and 84-1511.01, Reissue Revised Statutes of Nebraska, and sections

23-1118, 23-2301, and 24-704, Revised Statutes Supplement, 1994; to change applicability provisions for county retirement systems; to change compensation calculations; to change provisions relating to retirement education and preretirement planning programs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 1:

Fisher

Excused and not voting, 5:

Day
Hall
Hillman
Stuhr
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 369A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 369, Ninety-fourth Legislature, First Session, 1995; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 1:

Robinson

Excused and not voting, 5:

Day
Hall
Hillman
Stuhr
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. LINDSAY PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 384. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-123, 8-179, 8-821, 8-1402, 15-846, 15-848, 28-612, 45-702, and 77-2306, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-903, 8-1511, and 15-847, Revised Statutes Supplement, 1994; to define and redefine terms; to allow for bank investments in bank subsidiary corporations; to change provisions relating to personal loans, the deposit of city funds, similarly named financial institutions, and the deposit of state funds; to allow bank holding companies to own or control an unlimited number of banks as prescribed; to change provisions relating to the disclosure of confidential information; to provide an alternative method for the disclosure of financial information by banks; to adopt the Nebraska Bank Holding Company Act of 1995; to repeal the Bank Holding Company Act of 1963 and the One Bank Holding Company Act of 1973; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 8-901, 8-902.01 to 8-902.05, 8-904, 8-1201, 8-1203 to 8-1207, and 8-1514, Reissue Revised Statutes of Nebraska, sections 8-902 and 8-1202, Revised Statutes Supplement, 1994, and section 8-903, Revised Statutes Supplement, 1994, as amended by section 10, Legislative Bill 384, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Chambers
McKenzie

Excused and not voting, 6:

Day
Hall
Hillman
Stuhr
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 386.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 37, Legislative Bill 490, Ninety-fourth Legislature, First Session, 1995; to change the date of appointment of the Property Tax Administrator; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Fisher
McKenzie
Schmitt

Excused and not voting, 7:

Chambers
Day
Hall
Hillman
Stuhr
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 399. With Emergency.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1994, as amended by section 3, Legislative Bill 28, Ninety-fourth Legislature, First Session, 1995; to change a disclaimer requirement for printed political material; to provide restrictions on loans; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen

Crosby
Cudaback
Dierks
Elmer
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Engel
McKenzie

Excused and not voting, 7:

Chambers
Day
Hall
Hillman
Stuhr
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 505. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1032, 79-1034, 79-1040, 79-1043, 79-1044.01, 79-1045, 79-1046, 79-1056, and 79-1056.06, Reissue Revised Statutes of Nebraska; to change provisions relating to school employee retirement systems for Class V school districts; to redefine terms; to change benefit, contribution, and cost-of-living adjustment provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 4:

Beutler
Kristensen
Landis
Wesely

Present and not voting, 1:

McKenzie

Excused and not voting, 6:

Chambers
Day
Hall
Hillman
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Robak and Mr. Avery asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 530.

A BILL FOR AN ACT relating to state buildings and grounds; to amend sections 81-179, 81-186, 81-1107, 81-1108.15 to 81-1108.18, 81-1108.20 to 81-1108.23, 81-1108.41, 81-1108.43, 81-1108.54, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised Statutes Supplement, 1994; to change provisions relating to performance bonds; to provide for development and use of a state comprehensive capital facilities plan; to provide for a committee; to change provisions relating to capital construction; to change provisions relating to the state building division of the Department of Administrative Services and fees charged for services provided by the division; to change provisions relating to space in the State Capitol; to provide for review of gifts, bequests, or devises; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Brashear
McKenzie

Excused and not voting, 6:

Avery
Chambers
Hall
Hillman
Robak
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 693A. With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 68-1062, Revised Statutes Supplement, 1994; to change provisions for implementation of a plan for a managed care system; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Brashear
McKenzie
Schimek

Excused and not voting, 5:

Chambers
Hall
Hillman
Robak
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 265. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 81-1120.34, Reissue Revised Statutes of Nebraska; to state intent; to create the Nebraska Highway-Rail Crossing Safety Committee; to provide duties; to provide a termination date; to limit the use of certain information; to change the duties of the Commission on Information Technology; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 4:

Brashear
McKenzie
Preister
Schmitt

Excused and not voting, 4:

Chambers
Hall
Hillman
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. WILL PRESIDING

LEGISLATIVE BILL 275. With Emergency.

A BILL FOR AN ACT relating to compulsive disorders; to amend sections 42-917, 44-773, 44-774, 71-5016, 71-5018, 71-5019, 71-5039, 83-158.01 to 83-160, 83-163 to 83-165, 83-167 to 83-169, and 83-1006, Reissue Revised Statutes of Nebraska, and sections 9-804.02 to 9-804.05, 9-812, and 71-1,312, Revised Statutes Supplement, 1994; to rename the Division on Alcoholism and Drug Abuse and the Division on Alcoholism and Drug Abuse Act; to eliminate the Division on Compulsive Gambling; to transfer an advisory commission and a fund; to change and transfer powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 9-804.01, Revised Statutes Supplement, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Brashear
Hudkins
McKenzie

Excused and not voting, 4:

Chambers
Hall
Hillman
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. LINDSAY PRESIDING

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 275A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 58 and 96, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Ninety-fourth Legislature, First Session, 1995; to change appropriations; to transfer funds; to eliminate an appropriation; to provide an operative date; to repeal the original sections; to outright repeal section 38, Legislative Bill 389, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 3:

Chambers
Hall
Hillman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 283.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska, and sections 28-1008, 28-1009, and 28-1013, Revised Statutes Supplement, 1994; to change the offense of obstructing a peace officer; to define and redefine terms; to create the offense of harassment of a police animal;

to provide penalties; to provide an exemption; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 3:

Chambers
Hall
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 296 to Select File

Mr. Beutler moved to return LB 296 to Select File for the following specific amendment:
AM2597

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. A state agency or political subdivision which owns or operates a recreational trail may establish and collect a user fee or a voluntary fee for the use of the trail as determined by the state agency or political subdivision. The fees shall be accounted for separately and shall be used for trail maintenance, operation, and acquisition.

Sec. 2. (1) The position of State Recreational Trails Coordinator is established. The coordinator shall be appointed by the Game and Parks Commission. Necessary office space, furniture, equipment, and supplies as well as necessary professional, technical, and clerical assistance shall be provided by the commission.

(2) The duties of the State Recreational Trails Coordinator shall include, but not be limited to:

(a) Maintaining and updating the Nebraska Comprehensive Trails Plan. For purposes of this section, Nebraska Comprehensive Trails Plan means the document dated July 1994 and entitled A Network of Discovery: A Comprehensive Trails Plan for the State of Nebraska;

(b) Marketing and promoting trails across the state;

(c) Maintaining and updating an inventory of trails programs in Nebraska;

(d) Providing a central point for exchanging information among communities with trails programs;

(e) Providing organizational and technical assistance to communities and regional groups;

(f) Managing the state trails application and evaluation process;

(g) Coordinating state government's trails development efforts and administering the state trails program;

(h) Preparing and publishing an annual report on trails development in the state;

(i) Monitoring and filing paperwork on rail abandonments when necessary, consistent with rail-watch corridors established by the Nebraska Comprehensive Trails Plan or its updates; and

(j) Managing other right-of-way acquisition efforts when state involvement becomes necessary.

Sec. 4. The following section is outright repealed: Section 81-815.57, Reissue Revised Statutes of Nebraska.".

2. On page 1, line 1, after the semicolon insert "to provide for user fees; to create the position of State Recreational Trails Coordinator; to eliminate a termination date;"; and in line 3 after the semicolon insert "to outright repeal section 81-815.57, Reissue Revised Statutes of Nebraska;".

3. Renumber the remaining sections accordingly.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler motion to return prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 296. The Beutler specific amendment, AM2597, found in this day's Journal, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 871, 99, 369, 369A, 384, 386, 399, 505, 530, 693A, 265, 275, 275A, and 283.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 365.

A BILL FOR AN ACT relating to labor; to amend sections 48-801.01 and 48-816, Reissue Revised Statutes of Nebraska; to provide for special master proceedings in certain labor disputes; to provide for survey and data request forms; to harmonize provisions; and to repeal the original sections.

Mr. Abboud requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Brown
Cudaback
Day
Fisher
Hall
Hartnett
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Preister
Schimek
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 17:

Bromm
Coordsen
Dierks
Elmer
Janssen
Jensen
Jones
Kristensen
Maurstad
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Witek

Present and not voting, 3:

Crosby
Engel
Hudkins

Excused and not voting, 2:

Chambers
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 418.

A BILL FOR AN ACT relating to legal notices; to amend section 33-141, Reissue Revised Statutes of Nebraska; to change provisions relating to publication costs; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Bohlke
Brashear
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Jones
Kristensen
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 10:

Avery
Bernard-Stevens
Beutler
Hall
Jensen
Landis
Lindsay
Preister
Wesely
Withem

Present and not voting, 3:

Bromm
Janssen
Matzke

Excused and not voting, 2:

Chambers
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 509. With Emergency.

A BILL FOR AN ACT relating to audits; to amend sections 84-304, 84-304.01, 84-304.03, and 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to audit requirements; to eliminate provisions relating to audits of the Legislature; to harmonize provisions; to repeal the original sections; to outright repeal section

50-401.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 4:

Engel
Fisher
Kristensen
Schellpeper

Excused and not voting, 2:

Chambers
Hillman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 519.

A BILL FOR AN ACT relating to contracts; to state intent; to void certain contingent fee contracts as prescribed; to define terms; to provide procedures for review and approval of contracts for personal services; and to provide for applicability of provisions.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Lindsay
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Kristensen
Landis
Maurstad
Vrtiska

Present and not voting, 2:

Fisher
Lynch

Excused and not voting, 3:

Bernard-Stevens
Chambers
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 531 to Select File

Mrs. Bohlke moved to return LB 531 to Select File for her specific amendment, AM2176, found in the Journal on page 2219.

Mrs. Bohlke withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 531. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1994; to change provisions relating to copayments for and coverage of long-term maintenance drugs under medical benefit contracts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Hall
Hartnett
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Engel
Fisher
Janssen
Lynch
Maurstad
Robinson

Excused and not voting, 3:

Bernard-Stevens
Chambers
Hillman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 552.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,113.01, Reissue Revised Statutes of Nebraska; to change a date relating to remittances to the Community Improvements Cash Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Day
Dierks
Elmer
Engel
Hall
Hartnett
Hudkins
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch

Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Preister

Present and not voting, 4:

Cudaback
Fisher
Janssen
Kristensen

Excused and not voting, 4:

Bernard-Stevens
Chambers
Crosby
Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Avery and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 658.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-4,169, 79-4,179.01, 79-4,180, 79-4,195, and 79-4,196, Reissue Revised Statutes of Nebraska; to change provisions for alternative educational placement; to eliminate reimbursement provisions; to change provisions relating to expulsion and grounds for discipline; to require a policy relating to firearm violations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Beutler
Bohlke
Brashear
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 3:

Bromm
Hall
Schellpeper

Present and not voting, 2:

Fisher
Preister

Excused and not voting, 5:

Bernard-Stevens
Chambers
Crosby
Hillman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 658A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 658, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Hall
Jensen
Preister
Robinson
Schellpeper

Excused and not voting, 5:

Bernard-Stevens
Chambers
Crosby
Hillman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 371. No objections. So ordered.

EXPLANATION OF VOTES

Had I been present, I would have voted "no" on LR 3CA and LBs 490, 490A, 646, and 646A.

(Signed) Carol M. Pirsch

PROPOSED RULES CHANGES

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 7, Section 1 as follows:
Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. **Each day the Legislature convenes shall be considered a legislative day.** (Strike bold and insert:)

"Legislative day shall mean the twenty-four hour period from the time the Legislature convenes for transaction of daily business."

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 5, Section 7 as follows:
Sec. 7. Governor's Budget Bill. (a) The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.
(b) Legislation prepared by the Governor pursuant to section 79-3822, along with any modifications made by the Governor as part of his or her annual budget request, shall be shown as introduced by the Speaker of the Legislature at the request of the Governor and shall include the following:

(i) an appropriation for an amount providing financial support from all state sources to districts equal to forty-five percent of the estimated general fund operating expenditures of districts for the ensuing school year;

(ii) an appropriation for an amount of income tax revenue received to insure that twenty percent of all income tax receipts are dedicated to the support of districts throughout the state;

(iii) an appropriation for an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(iiii) provisions establishing and implementing a basic allowable growth rate and an allowable growth range for school district budgets for the ensuing school year.

Referred to the Rules Committee.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 365, 418, 509, 519, 531, 552, 658, and 658A.

VISITORS

Visitors to the Chamber were Joanne Thietje from Fremont, Anne Thietje and Amanda Clausen from Norfolk, and Wanda Essex from Lincoln; 40 fourth grade students and sponsors from Kahoa School, Lincoln; and 18 4-H students and sponsor from Douglas County.

RECESS

At 12:03 p.m., on a motion by Mrs. McKenzie, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Chambers, Cudaback, Dierks, Engel, Hartnett, Janssen, Jones, Kristensen, Landis, Lindsay, Matzke, Schrock, Wehrbein, Wickersham, Will, Mmes. Bohlke, Hudkins, Robak, and Ms. Schimek who were excused until they arrive.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 31, 1995, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Moors, H. Jack - Lincoln	Ag Processing, Inc. (Withdrawn 05/24/1995)

MOTION - Override Line-Item Veto on LB 392

Mr. Lynch moved that the portion of LB 392 dealing with the Department of Public Institutions Development Disability Pay Rate Equity for FY96-97 in section 100, become law notwithstanding the objections of the Governor.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1995, at 1:15 p.m., were the following bills: 871, 99, 369, 369A, 384, 386, 399, 505, 530, 693A, 265, 275, 275A, 283, 365, 418, 509, 519, 531, 552, 658, and 658A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESIDENT ROBAK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 344.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-262, 9-323, 9-340.02, 9-345.03, 9-347.01, 9-350, 9-352, 9-419, 9-434, and 9-625, Reissue Revised Statutes of Nebraska, and sections 9-211, 9-226, 9-227, 9-228, 9-232.01, 9-241.09, 9-255.02, 9-255.04, 9-266, 9-309, 9-322, 9-324, 9-329.02, 9-347, 9-348, 9-349, 9-356, 9-418, 9-420, 9-620, 9-623, 9-629, 9-652, and 9-653, Revised Statutes Supplement, 1994; to redefine terms; to change provisions relating to bingo, lottery by the sale of pickle cards, lotteries, and raffles; to change and eliminate provisions on the use of proceeds; to change penalty provisions; to eliminate a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 9-629.02, Revised Statutes Supplement, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Jones
Kristensen
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 9:

Beutler
Crosby
Jensen
Landis
Lindsay
Preister
Schimek
Vrtiska
Wesely

Present and not voting, 3:

Avery
Bernard-Stevens
Brown

Excused and not voting, 4:

Chambers
Hillman
Janssen
Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 563. With Emergency.

A BILL FOR AN ACT relating to nursing; to amend sections 44-2803, 71-1,132.04, 71-1,132.09, 71-1,132.10, 71-1,132.12, 71-1,132.13, 71-1,132.15, 71-1,132.21, 71-1,132.24 to 71-1,132.28, 71-1,132.36, 71-1,132.37, 71-1,132.41, 71-1,132.50, 71-1,132.53, 71-1705, 71-1727, and 71-1760, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,132.05 to 71-1,132.08, 71-1,132.11, 71-1,132.14, 71-1,132.16, 71-1,132.18, 71-1,132.20, 71-1,132.29, 71-1,132.35, 71-1,132.47, 71-1,132.49, 71-1,198, 71-1,339, 71-1735, 71-1779, 71-1786, and 71-2601, Revised Statutes Supplement, 1994; to name the Nurse Practice Act; to change provisions relating to licensure, continuing education, fees, penalties, the Board of Nursing, and the State Board of Health; to eliminate an obsolete grandfather clause and provisions relating to continuing education; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1,132.19

and 71-1,132.52, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Avery
Bernard-Stevens
Robak
Schellpeper

Excused and not voting, 2:

Hillman
Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 563A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel

Fisher
Hall
Hartnett
Hudkins
Janssen
Jensen
Jones
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens
Kristensen
Robak
Wehrbein

Excused and not voting, 1:

Hillman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 860

Mr. Bromm moved to bracket LB 860 until January 5, 1996.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Robinson requested a roll call vote on the Bromm motion to bracket.

Voting in the affirmative, 14:

Abboud
Avery
Beutler
Bromm
Coordsen
Dierks
Jensen
Jones
Pirsch
Preister
Robak
Wesely
Wickersham
Witek

Voting in the negative, 32:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
McKenzie
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Will
Withem

Present and not voting, 2:

Maurstad Stuhr

Excused and not voting, 1:

Hillman

The Bromm motion to bracket lost with 14 ayes, 32 nays, 2 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 296.

LEGISLATIVE BILL 642. Placed on Select File as amended.
E & R amendment to LB 642:
AM7165

1. On page 1, line 1, "State Foster Care Review Board" has been struck and "foster care" inserted; strike lines 3 and 4 and insert "provide for and eliminate employees of the State Foster Care Review Board and the Department of Social Services; to provide for the transfer of funds; to provide for case reviews; to provide powers and duties for the board; to state intent; to provide for a review and report; and to".

LEGISLATIVE BILL 642A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

MESSAGE FROM THE GOVERNOR

June 1, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 377 and 377A were received in my office on May 31, 1995.

These bills were signed by me on June 1, 1995, and delivered to the Secretary of State.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

PROPOSED RULES CHANGES

Messrs. Will and Bromm asked unanimous consent to print the following proposed rules changes in the Journal. No objections. So ordered.

Amend Rule 1, C.
Add new sections:
Sec. 17. The Speaker shall be authorized to:
(a) Designate up to ten bills or resolutions as major proposals at the conclusion of the bill introduction period pursuant to Rule 6, Sections 1 and 2;

(b) Require each committee to which a major proposal has been referred to:
(1) hold a public hearing by a date certain;
(2) take action on the major proposal on a subsequent date certain. The committee chairperson may appeal a decision of the Speaker, pursuant to this section, to the entire Legislature within five days following the Speaker's announcement. The Speaker may be overruled by a majority of the elected members.

(c) Determine procedures for floor debate on major proposals including, but not limited to, the scheduling of the proposal, the time allotted for debate on the proposal, amendments to be considered, and limitations on procedural motions. Determinations made by the Speaker pursuant to this section shall be subject to review by and approval by the Executive Board.

Sec. 18. Any decision made by the Speaker or the Executive Board pursuant to Section 17 may be overruled by a vote of two-thirds of the elected membership. The motion to overrule pursuant to this section shall be in order only when made by the primary introducer of the bill or resolution, or in the case of a proposal introduced by a committee, by the chairperson of that committee. A motion filed pursuant to this section shall be inclusive of all determinations made by the Speaker and/or the Executive Board pursuant to Section 17 to which the introducer objects and shall be in order once only at each stage of debate. After a motion pursuant to this section has been resolved, reconsideration shall not be in order. Motions made pursuant to this section shall not be amendable.

Renumber remaining sections.

Amend Rule 7, Sec. 3. (b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, except as specified in Rule 1, Sec. 18.

Amend Rule 3, Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. The Committee cannot combine and correlate subject-related bills or resolutions with a bill designated as a major proposal pursuant to Rule 1, Section 17. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Referred to the Rules Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 271.

LR	**Committee**
271	Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Wehrbein, Withem, and Warner asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2599

(Amendments to AM2293)

1. On page 3, strike lines 18 through 27.
2. On page 4, strike lines 1 and 2.

WITHDRAW - Amendments to LB 860

Mrs. Witek withdrew her amendments, AM1881 and AM1998, found in the Journal on pages 1931 and 1988, to LB 860.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 860 to Select File

Mrs. Robak moved to return LB 860 to Select File for her specific amendment, AM2334, found in the Journal on page 2396.

MR. HALL PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mrs. Robak requested a roll call vote on her motion to return.

Voting in the affirmative, 16:

Abboud
Avery
Beutler
Brashear
Bromm
Coordsen
Cudaback
Dierks
Jensen
Jones
Pirsch
Preister
Robak
Schmitt
Wesely
Witek

Voting in the negative, 25:

Bernard-Stevens
Bohlke
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Lynch
Matzke
Robinson
Schellpeper
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Will
Withem

Present and not voting, 6:

Lindsay
Maurstad
McKenzie
Pedersen
Schimek
Stuhr

Excused and not voting, 2:

Hillman
Landis

The Robak motion to return lost with 16 ayes, 25 nays, 6 present and not voting, and 2 excused and not voting.

WITHDRAW - Amendment to LB 860

Mrs. Witek withdrew her amendment, AM1925, found in the Journal on page 2428, to LB 860.

MOTION - Return LB 860 to Select File

Mr. Beutler moved to return LB 860 to Select File for the following specific amendment:
AM2565

(Amendments to Final Reading copy)

1. On page 8, line 24, after the period insert "Expenses incurred prior to the effective date of this act may be reimbursed upon application of the school district to the State Board of Education.".

2. On page 9, strike beginning with "The" in line 2 through "priorities" in line 6 and insert "Priorities"; in line 6 after the second comma insert "the direct connection of each kindergarten through grade twelve public school district or affiliated school system to a statewide public computer information network, the reimbursement of expenses made by a district or system prior to the effective date of this act for such a direct connection, the"; and strike beginning with "Funds" in line 9 through the period in line 13 and insert "Funds shall be allocated based on the percentage of students a district or system has in relation to the overall student population of the state. If a district or system does not apply for funds within two years after the effective date of this act, those funds are then available for other districts and systems.".

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Abboud
Bernard-Stevens
Bohlke
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Lindsay
Lynch
Matzke
Maurstad
Pedersen
Robinson
Schellpeper
Schrock
Vrtiska
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 14:

Avery
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Preister
Schimek
Schmitt
Stuhr
Wesely
Witek

Present and not voting, 6:

Dierks
Jensen
Jones
McKenzie
Pirsch
Robak

Excused and not voting, 2:

Hillman
Landis

The motion to cease debate prevailed with 27 ayes, 14 nays, 6 present and not voting, and 2 excused and not voting.

The Beutler motion to return lost with 13 ayes, 25 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Beutler moved to return LB 860 to Select File for the following specific amendment:
AM2566

(Amendments to Final Reading copy)

1. Insert the following section:

"Sec. 4. Section 79-3811, Reissue Revised Statutes of Nebraska, is amended to read:

79-3811. District formula resources shall include other actual receipts as determined by the department for the most recently available complete data year, except that receipts from the Community Improvements Cash Fund and receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act shall not be included. Other actual receipts shall include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Nonresident high school tuition receipts, except that for the calculation of state aid to be paid in school years 1992-93, 1993-94, and 1994-95, other actual receipts shall include the district's total nonresident high school tuition charge for each such school year as certified by the department pursuant to section 79-4,102;

(4) Tuition receipts from individuals, other districts, or any other source except those derived from adult education;

(5) Transportation receipts;

(6) Interest on investments;

(7) Other miscellaneous local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(8) Special education receipts;

(9) Receipts from the state for wards of the court and

wards of the state;

(10) All receipts from the temporary school fund;

(11) Receipts from the Insurance Tax Fund;

(12) Pro rata motor vehicle license fee receipts;

(13) Help Education Lead to Prosperity Act funds;

(14) Amounts provided by the state on behalf of the district as reimbursement for repayment of personal property taxes by centrally assessed pipeline companies pursuant to section 77-3617;

(15) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-4,118;

(16) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(17) All other noncategorical federal receipts;

(18) All receipts pursuant to Chapter 79, article 34; ~~and~~

(19) Receipts under the Medicare Catastrophic Coverage Act of 1988 as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the district would have otherwise received pursuant to the Special Education Act;

(20) All receipts from the School Technology Fund authorized under section 2 of this act; and

(21) Receipts from the Education Innovation Fund for the purpose of a direct connection to a statewide public computer information network pursuant to section 9-812 and section 2 of this act.".

2. On page 1, line 1, after "79-2225" insert ", 79-3811,"; and in line 7 after the semicolon insert "to include receipts in district formula resources;".

3. On page 11, line 4, after "79-2225" insert ", 79-3811,".

4. Renumber the remaining sections accordingly.

Messrs. Abboud and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Beutler requested a record vote on his motion to return.

Voting in the affirmative, 14:

Abboud
Avery
Beutler
Bromm
Coordsen
Dierks
Jensen
Lindsay
Pirsch
Preister
Robak
Schimek
Schmitt
Witek

Voting in the negative, 19:

Bernard-Stevens
Bohlke
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
McKenzie
Robinson
Schellpeper
Schrock
Stuhr
Will
Withem

Present and not voting, 13:

Brashear
Brown
Chambers
Cudaback
Lynch
Matzke
Maurstad
Pedersen
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Excused and not voting, 3:

Hillman
Jones
Landis

The Beutler motion to return lost with 14 ayes, 19 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Beutler moved to return LB 860 to Select File for the following specific amendment:
FA351
After "network" on line 5, page 9 add the words
"and school districts who in the year of receiving equalization expended funds for such purpose may receive reimbursement for expenditures made for this priority"

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a record vote on his motion to return.

Voting in the affirmative, 14:

Avery
Beutler
Bromm
Coordsen
Jensen
Pedersen
Pirsch
Preister
Robak
Schmitt
Schrock
Stuhr
Wesely
Witek

Voting in the negative, 19:

Bernard-Stevens
Bohlke
Brashear
Brown
Crosby
Day
Elmer
Engel
Hall
Hartnett
Hudkins
Janssen
Matzke
Robinson
Schellpeper
Warner
Wickersham
Will
Withem

Present and not voting, 12:

Chambers
Cudaback
Dierks
Fisher
Kristensen
Lindsay
Lynch
Maurstad
McKenzie
Schimek
Vrtiska
Wehrbein

Excused and not voting, 4:

Abboud
Hillman
Jones
Landis

The Beutler motion to return lost with 14 ayes, 19 nays, 12 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 860. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-2225 and 81-1634, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1994; to provide for funds to implement access to telecomputing resources; to state intent; to create a fund; to provide powers and duties relating to access to a statewide public computer information network; to change the distribution of certain funds; and to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Withem

Voting in the negative, 16:

Abboud
Avery
Beutler
Bromm
Coordsen
Cudaback
Dierks
Jensen
Lindsay
Pirsch
Preister
Robak
Schmitt
Wesely
Wickersham
Witek

Excused and not voting, 2:

Hillman
Jones

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Withem

Voting in the negative, 16:

Abboud
Avery
Beutler
Bromm
Coordsen
Cudaback
Dierks
Jensen
Lindsay
Pirsch
Preister
Robak
Schmitt
Wesely
Wickersham
Witek

Excused and not voting, 2:

Hillman
Jones

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 860A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 860, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke

Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Withem

Voting in the negative, 13:

Abboud
Avery
Beutler
Bromm
Coordsen
Jensen
Pirsch
Preister
Robak
Schimek
Schmitt
Wesely
Witek

Present and not voting, 3:

Cudaback
Dierks
Wickersham

Excused and not voting, 2:

Hillman
Jones

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 33:

Bernard-Stevens
Bohlke
Brashear
Brown
Chambers
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 6:

Abboud
Pirsch
Robak
Schmitt
Wesely
Witek

Present and not voting, 8:

Avery
Beutler
Bromm
Coordsen
Cudaback
Dierks
Jensen
Preister

Excused and not voting, 2:

Hillman
Jones

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Reconsider Action on LR 3CA

Mr. Withem renewed his pending motion, found in the Journal on page 2693, to reconsider the Final Reading vote on LR 3CA with the primary election date attached.

The Withem motion to reconsider prevailed with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was put upon final passage:

LEGISLATIVE RESOLUTION 3CA.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass for the primary election?' "

Voting in the affirmative, 42:

Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Janssen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 5:

Abboud
Jensen
Pirsch
Preister
Witek

Excused and not voting, 2:

Hillman
Robak

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 860 and 860A.

(Signed) David I. Maurstad, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LBs 344, 563, 563A, 860, 860A, and LR 3CA.

MOTION - Override Line-Item Veto on LB 391

Mr. Wehrbein renewed the Appropriations Committee pending motion, found in the Journal on page 2625, to override the Governor's line-item vetoes contained in section 11, Agency 25, Department of Public Institutions, Program 912, Beatrice State Developmental Center Cottage Renovation; and section 43, Agency 51 University of Nebraska, Program 927 Comprehensive Facilities Plan at the Nebraska College of Technical Agriculture.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a division of the question on the Appropriations Committee motion to override the Governor's line-item veto.

The Chair ruled the division of the question out of order because under the provisions of Rule 6, Section 14, a motion to override is amendable, but not divisible.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Lynch and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 18:

Avery
Bernard-Stevens
Beutler
Bohlke
Chambers
Coordsen
Cudaback
Hall
Jensen
Kristensen
Lindsay
McKenzie
Pedersen
Pirsch
Robinson
Schellpeper
Wesely
Will

Voting in the negative, 23:

Abboud
Brashear
Bromm
Brown
Crosby
Day
Dierks
Engel
Hartnett
Hudkins
Janssen
Jones
Matzke
Preister
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 3:

Elmer
Maurstad
Schmitt

Excused and not voting, 5:

Fisher
Hillman
Landis
Lynch
Robak

The Chambers motion to overrule the Chair lost with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Appropriations Committee pending motion to override the Governor's line-item veto:
FA352
Strike Section 43, the Curtis language from the Approp. Committee motion.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment lost with 18 ayes, 17 nays, 8 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

June 1, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 574 was received in my office on May 31, 1995; Engrossed Legislative Bills 275, 275A, and 384 were received on June 1, 1995.

These bills were signed by me on June 1, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 1, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 20, 20A, 162, 172, 300, 337, 337A, 382, 401, and 401A were received in my office on May 30, 1995.

These bills were signed by me on June 1, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 1, 1995

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 406 and 406A were received in my office on May 30, 1995; Engrossed Legislative Bills 19, 19A, 430, 494, 646, 646A, 712, 712A, 490, and 490A were received on May 31, 1995; Engrossed Legislative Bills 386, 871, 99, 399, 693A, 365, and 531 were received on June 1, 1995.

These bills were signed by me on June 1, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1995, at 6:45 p.m., were the following bills: 860A, 860, 563A, 563, and 344.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on June 1, 1995, at 6:45 p.m., was the following constitutional amendment: LR 3CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Override Line-Item Veto on LB 391

The Appropriations Committee pending motion, found in the Journal on page 2625 and considered in this day's Journal, to override the Governor's line-item veto, was renewed.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Mr. Wehrbein requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 30:

Bernard-Stevens
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen
Robinson
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 14:

Abboud
Avery
Bohlke
Cudaback
Day
Lindsay
McKenzie
Pirsch
Preister
Robak
Schimek
Warner
Witek
Withem

Present and not voting, 2:

Chambers
Schellpeper

Excused and not voting, 3:

Hillman
Janssen
Schmitt

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 391

Mr. Hall withdrew his motion, found in the Journal on page 2634, that LB 391 become law notwithstanding the objections of the Governor.

MR. HALL PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 140. Read. Considered.

LR 140 was adopted with 34 ayes, 0 nays, and 15 not voting.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 7, Section 9 to allow members to debate the motion to adjourn listed under item 11.

Mr. Withem withdrew his motion to suspend the rules.

COMMUNICATION

June 1, 1995

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 391 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Attachment

CERTIFICATE

Legislative Bill 391, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 11, Agency 25, Department of Public Institutions, Program 912, Beatrice State Developmental Center Cottage Renovation;

Section 43, Agency 51, University of Nebraska, Program 927, Comprehensive Facilities Plan at the Nebraska College of Technical Agriculture.

(Signed) Ronald E. Withem
President of the Legislature

ANNOUNCEMENT

Mr. Wehrbein announced the Appropriations Committee is meeting on the 90th legislative day, June 8, 1995, at 8:00 a.m., in Room 1003.

VISITORS

Visitors to the Chamber were Tim Kolb from Franklin and Tony Fleming from Lincoln; Claudia, Norbert, and Andreas Berg from Germany and Deb Grove from Omaha; former Senator Bernice Labedz and Kathy Kelley; and Senator Pirsch's daughter, Phyllis Pirsch, from Omaha and Maryn VandenElsen from the Netherlands.

MOTION - Adjournment

Speaker Withem moved to adjourn until 9:00 a.m., Thursday, June 8, 1995. The motion prevailed with 25 ayes, 16 nays, 7 present and not voting, and 1 excused and not voting, and at 8:27 p.m., the Legislature adjourned until 9:00 a.m., Thursday, June 8, 1995.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINETIETH DAY - JUNE 8, 1995

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 8, 1995

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Fisher, Hall, Kristensen, Landis, Lindsay, Will, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1051, line 34, strike "general" and insert "primary" and strike "November" and insert "May".
Page 1053, line 30, strike "general" and insert "primary" and strike "November" and insert "May".
The Journal for the forty-second day was approved as corrected.
The Journal for the eighty-ninth day was approved.

MESSAGES FROM THE GOVERNOR

June 1, 1995

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 25A with a line item reduction.

My item veto eliminates $6,000 to the Department of Public Institutions (DPI) for developing and promulgating rules and regulations. This large agency should be able to draw upon existing resources for this purpose.

In addition, I would like to express my concern with the approach taken in LB 25. LB 25 requires that Commission for the Hearing Impaired (NCHI) create and staff a new position, Mental Health Specialist Advisor. The bill also creates a new advisory committee to guide that person and provides added duties for NCHI and the Department of Public Institutions (DPI) in order to assist persons with hearing impairments in accessing comprehensive mental health, alcohol and drug abuse services.

This bill is a telling statement on the way decisions about the size and configuration of administrative departments all too often are made. In addition to expanding state government, LB 25 is unduly prescriptive concerning the size and configuration of an administrative department.

I urge the Legislature to consider the needs of all Nebraskans by sustaining my item veto of LB 25A at this time.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:pmc:ac

June 2, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 25, 37, and 37A were received in my office on May 30, 1995; Engrossed Legislative Bills 376 and 752 were received on May 31, 1995; and Engrossed Legislative Bills 552 and 658 were received on June 1, 1995.

These bills were signed by me on June 2, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 2, 1995

Madam President, Mr. Speaker
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Members:

I am returning to you LB 658A without my signature and with my objections.

LB 658A calls for an appropriation of $4,021 which is intended for the rules and regulations to carry out the changes to the Student Discipline Act. It is my feeling that the money needed for carrying out these changes is already available in the Department of Education budget.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 2, 1995

Madam President, Mr. Speaker
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Members:

I am returning to you LB 136 and LB 136A with my veto.

This bill would have provided for an equal footing between out-of-state companies and in-state companies. I object to the way that this bill provides for that equal footing. This bill would have an impact on the citizens of the state which are buying products by mail order companies. The requirements surrounding those lists need to be further developed and agreed to before companies turn over the lists to government entities. It could provide penalties to be assessed to individuals by the Department of Revenue which may be already remitted to mail order companies. The bill does not contain an adequate penalty provisions for the enforcement of these provisions.

The A-bill includes monies for functions which should already be carried out by the Department of Revenue and I will ask the Tax Commissioner to look into the ability of the Department to carry out those functions. I am also concerned about the increase in employees at the state level. This is not necessary at this time.

I will commit to work with the Revenue Committee to look at this bill more closely in the interim. I would also like to involve the industry in discussions of these provisions. It is my hope that a mutual agreement which is acceptable to all involved can be reached.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 6, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 696 was received in my office on May 31, 1995; Engrossed Legislative Bills 283, 505, 344, 418, 509, 563, 563A, and 519 were received on June 1, 1995.

These bills were signed by me on June 6, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 7, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 265, 369, 369A, 860, and 860A were received in my office on June 1, 1995.

These bills were signed by me on June 7, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 7, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 530 was received in my office on June 1, 1995, signed by me on June 7, 1995, and delivered to the Secretary Of State.

Legislative Bill 530 contains initiatives designed to better utilize state buildings and facilities. These features include the development of a state comprehensive capital facilities plan as well as the placement of the actual facilities management for most State buildings under the Department of Administrative Services, State Building Division.

Since the bill allows the Executive Board of the Legislative Council to acquire additional capitol space, it is imperative that caution be used so that the comprehensive planning process is not pre-empted.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGE FROM THE SECRETARY OF STATE

June 2, 1995

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on June 1, 1995, LB 391. Along with LB 391, I hereby acknowledge receipt of your cover letter dated June 1, 1995 and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 391, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 11, Agency 25, Department of Public Institutions, Program 912, Beatrice State Developmental Center Cottage Renovation;

Section 43, Agency 51, University of Nebraska, Program 927, Comprehensive Facilities Plan at the Nebraska College of Technical Agriculture;

These provisions have become law the 1st day of June, 1995.

Further, I hereby acknowledge that LB 391, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Sincerely,
(Signed) SCOTT MOORE
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 391, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:

Section 11, Agency 25, Department of Public Institutions, Program 912, Beatrice State Developmental Center Cottage Renovation;

Section 43, Agency 51, University of Nebraska, Program 927, Comprehensive Facilities Plan at the Nebraska College of Technical Agriculture;

These provisions have become law the 1st day of June, 1995.

Further, I hereby certify that LB 391 was filed in the office of the Secretary of State on June 1, 1995, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this second day of June in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 2, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of Legislative Resolution 3CA. It was delivered to my office on June 1, 1995.

Please be advised that this Constitutional Amendment was delivered in time to be included on the May 14, 1996 Primary Election (Special) as directed in the resolution.

Please insert a copy of this letter in the official Legislative Journal.

Sincerely,
(Signed) SCOTT MOORE
Secretary of State

REPORT

The following report was received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)
Annual Report

COMMUNICATION

Received a copy of House Joint Resolution 95-1005 from the State of Colorado concerning the preemption by the United States Congress, in a late amendment to the "Federal Aviation Administration Authorization Act of 1994", P.L. 103-3-5, of state regulation of the prices, routes, and service of motor carriers of property operating in intrastate commerce, effective January 1, 1995.

RESOLUTIONS

LEGISLATIVE RESOLUTION 274. Introduced by Maurstad, 30.

WHEREAS, The Beatrice High School boys' track team won the Class B state championship; and

WHEREAS, this is the third consecutive year that the Beatrice High School boys' track team has captured the state title.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Beatrice High School boys' track team be congratulated on their winning season and their successful defense of the Class B state title.
2. That a copy of this resolution be sent to the Beatrice High School boys' track team.

Laid over.

LEGISLATIVE RESOLUTION 275. Introduced by Maurstad, 30.

WHEREAS, the Tri-County High School girls' track team captured the Class B state title; and

WHEREAS, the state championship was the crowning event of a successful season due to the team's dedication and outstanding efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Tri-County High School girls' track team be congratulated for winning the Class B state title.
2. That a copy of this resolution be sent to the Tri-County High School girls' track team.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95047

DATE:	June 7, 1995
SUBJECT:	LB 371; Validity of a Bill Which Will Increase Inmate Populations But Which Does Not Contain the Estimates or Appropriations Required by Neb. Rev. Stat. § 50-129 (1993)
REQUESTED BY:	Senator Kate Witek Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

LB 507 (codified at Neb. Rev. Stat. §§ 50-129 and 59-130 (1993)) was passed by the Legislature in 1993. That bill provides, in pertinent part:

> (1) When any legislation is enacted after June 30, 1993, which is projected in accordance with this section to increase the total adult inmate population or total juvenile population in state correctional facilities, the Legislature shall include in the legislation an estimate of the operating costs resulting from such increased population for the first four fiscal years during which the legislation will be in effect. * * *
>
> (3) The Legislature shall provide by specific itemized appropriation, for the fiscal year or years for which it can make valid appropriations, an amount sufficient to meet the cost indicated in the estimate contained in the legislation for such fiscal year or years. The appropriation shall be enacted in the same legislative session in which the legislation is enacted and shall be contained in a bill which does not contain appropriations for other programs.
>
> (4) Any legislation enacted after June 30, 1993, which does not include the estimates required by this section and is not accompanied by the required appropriation shall be null and void. * * *

LB 371, which contains a number of provisions affecting the criminal statutes, is now before the Legislature on Final Reading. The Fiscal Note for LB 371 indicates that the bill will increase inmate population if passed. Nevertheless, the bill does not contain any estimate of the operating costs resulting from such increased population. Moreover, LB 371A, the appropriations bill for LB 371, has been indefinitely postponed. In light of this situation, you first ask us, "{i}f LB 371 is passed on Final Reading in its current form and LB 371A remains indefinitely postponed at the end of the session, will the Legislature have complied with the provisions enacted by LB 507 of 1993?"

The obvious answer to your initial question is "no." LB 507, and now Section 50-129, require that legislation which is projected to increase inmate population must contain estimates of the operating costs resultant from such increases, and that there be an appropriation to cover such costs. Since LB 371 contains no such estimates, and since the appropriation bill for LB 371 does not appear destined for passage, we do not believe that the provisions of LB 507 from 1993 have been complied with.

You next ask, "{i}f {LB 371 is} not {in compliance with LB 507}, can LB 371 become a validly enacted law nevertheless (perhaps pursuant to Attorney General Opinion #93040, dated May 18, 1993)?"

In Op. Att'y Gen. No. 93040 (May 20, 1993), we concluded that LB 507 was "unconstitutional as legislation which would improperly attempt to bind or restrict the authority of future legislatures to pass legislation which might impact the inmate population in correctional facilities in Nebraska." Id. at 3. We have reviewed that opinion and the authorities cited therein, and we continue to believe that the analysis and conclusion stated in Op. Att'y Gen. No. 93040 (May 20,

1993) are correct. An act of the Legislature that is unconstitutional at the time of its passage is absolutely null and void. Jaksha v. State, 241 Neb. 106, 486 N.W.2d 858 (1992). As a result, it continues to be our opinion that LB 507 or Section 50-129 are not effective to impose requirements on the current Legislature.

Nevertheless, acts of the Legislature, including LB 507, are presumed to be constitutional. The adoption of LB 507 by the Legislature and the Governor in 1993, and the current pending failure of the Legislature and the Governor to comply with that law, will create a legal cloud over LB 371 which will inevitably lead to legal challenges of LB 371 which could and should have been avoided.

Sincerely yours,
DON STENBERG
Attorney General

05-36-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95048

DATE: June 7, 1995

SUBJECT: Neb. Const. art. III, § 10 - Duration of a "Legislative Day"

REQUESTED BY: Senator Kate Witek
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion as to the ability of the Legislature to extend its final day of the 1995 session beyond midnight on June 8, 1995. Specifically, you have asked whether the 90th Legislative Day ends at midnight or whether the session may continue into June 9, 1995. You have also asked what the consequences are of passing legislation in the early hours of June 9, 1995.

Discussion

Article III, section 10 of the Nebraska Constitution provides, in part: "The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. . . ."

No reported Nebraska court decision has interpreted this constitutional provision. However, as noted in your opinion request, a similar issue has been considered by the Oklahoma Supreme Court. In Davis v. Thompson, 721 P.2d 789 (Okla. 1986), the minority leader of the Oklahoma House of Representatives challenged legislation adopted after midnight on the 90th legislative day. A four judge plurality of the court agreed that a legislative day was not synonymous with a calendar day for purposes of the then existing Oklahoma constitutional provision limiting legislative sessions to "ninety legislative days."

> In our Constitution we have found no express or implied prohibition or limitation upon the power of the Legislature to extend the length of a legislative session past midnight of the ninetieth day. We therefore conclude the unit or length of time of a legislative day cannot be set by this Court. We find that it is for the Legislature to determine how long is reasonably necessary for its members to remain in session on the ninetieth day to transact the business before it, so long as it acts reasonably and in accordance with the intent of art. 5 § 26. The Legislature has a right to conclude all legislative business it has already begun past the stroke of midnight of the ninetieth legislative day to bring a legislative session to a close so long as it does so reasonably, continuously, and without breaks or adjournments.

Id. at 793.

Two years after the Davis decision, the Governor of Oklahoma and the minority leaders of the Oklahoma House and Senate brought suit challenging the Legislature's ability to adjourn its 89th legislative day on July 1 and reconvene for its 90th legislative day on July 12. In a split decision, the court upheld the Legislature's action and extended its holding in Davis to legislative days other than the 90th legislative day. Bellmon v. Barker, 760 P.2d 813 (Okla. 1988). Eight months after the Court's decision in Bellmon, the people of Oklahoma amended their constitution, via initiative petition, to require adjournment of legislative sessions by 5:00 p.m. on the last Friday of May each year. Okla. Const. art. 5, § 26.

Notwithstanding the Oklahoma cases discussed above, we have grave constitutional concerns about passage of legislation by the Nebraska Legislature after midnight on the ninetieth legislative day.

The split decision of the Oklahoma Supreme Court is distinguishable from the present situation in a number of ways:

1. The Oklahoma Constitution Differs from the Nebraska Constitution.

The constitutional provision in question in Davis and Bellmon (like article III, § 10 of the Nebraska Constitution) limited legislative sessions to ninety legislative days. However, unlike the Oklahoma Constitution the Nebraska Constitution expressly provides a mechanism for extending the session "by a vote of four-fifths of all members elected to the Legislature. . . ." Neb. Const. art. III, § 10. In Davis, the court stated, "In our Constitution, we have found no express or implied prohibition or limitation upon the power of the Legislature to extend the length of a legislative session past midnight of the ninetieth day." Davis, 721 P.2d at 793 (emphasis added). In contrast, the Nebraska Constitution provides a mechanism for extending the session beyond ninety legislative days. In our opinion, this provision impliedly prohibits extending the session without a vote.

2. The Legislature has Officially Interpreted a "Legislative Day" as a Calendar Day.

Article III, § 10 of the Nebraska Constitution provides that "the Legislature shall determine the rules of its proceedings. . . ." Although a legislative rule cannot supersede a constitutional provision, it can help determine proper interpretation of a constitutional provision. See State ex rel. Johnson v. Hagemeister, 161 Neb. 475, 480, 73 N.W.2d 625 (1955).

Rule 7 of the Nebraska Legislature provides,

> The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

(Emphasis added). The phrase "each day" in the final sentence of Rule 7 can only mean a calendar day. As the court stated in Davis, "'The word 'days,' when not qualified, means in ordinary and common usage calendar days.'" Davis, 721 P.2d at 791-792 (quoting Indian Tribes v. United States, 279 U.S. 655, 679, 495 S.Ct. 463, 466 (1929)).

Rule 7 was discussed in 79-80 Report of the Attorney General 135 (April 19, 1979) by former Attorney General Paul Douglas. That opinion likewise concluded Rule 7 refers to calendar days. That opinion stated,

> This definition by the Legislature of the phrase, 'legislative day,' is not necessarily controlling on an issue of constitutional interpretation, however, courts are hesitant to depart from settled legislative construction. (Citation omitted). Legislative construction of a constitutional provision is entitled to great weight. Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974).

Id. at 136 (emphasis added).

Further supporting this interpretation is a proposed amendment to Rule 7 appearing in the Nebraska Legislative Journal, eighty- ninth day, June 1, 1995, p. 2724. The proposed amendment would redefine legislative day from "each day the legislature convenes" to "the twenty-four hour period from the time the Legislature convenes for transaction of daily business." The proposal clearly indicates that Rule 7 currently defines legislative day as a calendar day.

3. The Nebraska Supreme Court Strictly Construes Time Deadlines.

In State ex rel. Wieland v. Beermann, 246 Neb. 808, 523 N.W.2d 518 (1994), the court ordered the Secretary of State to remove four duly proposed constitutional amendments from the November 8, 1994, general election ballot because the Executive Board of the Legislative Council of the Nebraska Legislature submitted explanatory statements to the Secretary of State one day late (according to the Court's interpretation of the statutory deadline). Here, the Legislature faces a constitutional deadline for enacting legislation. If only a few months ago our State Supreme Court would remove four proposed constitutional amendments from the ballot because the Legislature violated a statutory deadline, it is inconceivable to us that the Court would tolerate the violation of a constitutional deadline.

Conclusion

Any legislation adopted after midnight on June 8, 1995, would be in serious jeopardy of constitutional challenge and rejection as violative of Article III, § 10 of the Nebraska Constitution which limits the length of legislative sessions. If the business of the Legislature cannot be completed by midnight on June 8, 1995, and more time is needed, we would urge the Legislature to vote to extend the legislative session as specifically authorized by Article III, § 10 of the Nebraska Constitution.

Sincerely,
Don Stenberg
ATTORNEY GENERAL
(Signed) Steve Grasz
Deputy Attorney General

cc: Clerk of the Legislature
3-2084-3

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 140.

MOTION - Override Line-Item Veto on LB 392

The Appropriations Committee moved to override the Governor's line-item appropriation vetoes and respective earmark reductions, for FY 1995-96 only, contained within the following sections of LB 392:

Section	Description	Amount
41	Restore recommended increase, Textbook Loan	45,000(G)
45	Restore School for the Deaf funding during transition	300,000(G)
98	Restore 1) Mental Health aid, $562,500; 2) Children's Mental Health aid, $512,500; 3) Offset against increased cash funds, $1,000,000 and Regional Center reductions, $100,000.	2,175,000(G)
100	Restore Developmental Disabilities Pay Equity. NOTE: Override will also include 2,328,363(F).	3,302,456(G)
109	Restore Mass Transit Aid.	475,000(G)
146	Restore Kearney/Geneva funding.	552,837(G)

157	Restore 4-H and FFA Premiums.	83,106(G)
TOTAL RECOMMENDED OVERRIDES		**$6,933,399(G)**

This motion is offered as provided by Rule 6, Section 14(b) upon the recommendation of the Appropriations Committee.

Mr. Chambers offered the following amendment to the Appropriations Committee motion:
FA353
Amend Approp. Comm. Override Motion:
Strike Sections 45, 98, 100, 109, 146, 157

Messrs. Kristensen and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Avery
Chambers
Fisher
Janssen
Lindsay
Pedersen
Pirsch
Robinson
Schmitt
Witek

Voting in the negative, 28:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Elmer
Engel
Hall
Hudkins
Jensen
Jones
Landis
Lynch
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 9:

Crosby
Cudaback
Day
Dierks
Hillman
Matzke
Maurstad
McKenzie
Vrtiska

Excused and not voting, 2:

Hartnett
Kristensen

The Chambers amendment lost with 10 ayes, 28 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment to the Appropriations Committee motion:
FA367

Amend Approp. Comm. Motion
Strike sections 41, 98, 100, 109, 146, 157

Mr. Lynch and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Avery
Chambers

Voting in the negative, 31:

Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Coordsen
Dierks
Engel
Fisher
Hall
Hillman
Hudkins
Jensen
Jones
Landis
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Present and not voting, 11:

Brashear
Crosby
Cudaback
Elmer
Janssen
Lindsay
Matzke
Maurstad
Robinson
Schmitt
Schrock

Excused and not voting, 5:

Abboud
Day
Hartnett
Kristensen
Lynch

The Chambers amendment lost with 2 ayes, 31 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment to the Appropriations Committee motion:
FA368

Amend the Approp. Comm. motion to override by adding the following items.

to override the line item vetoes, for FY 1995-96 only, for the following sections of LB 392:

Section 43 Vocational Rehabilitation, Dept. of Education.

Section 18 Statewide Probation, Supreme Court

Section 104 Domestic Violence and salaries for direct care staff, Dept. of Social Services.

SPEAKER WITHEM PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hall requested a roll call vote on his amendment.

Mr. Bernard-Stevens requested the roll call vote be taken in reverse order.

Voting in the affirmative, 30:

Abboud
Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Crosby
Cudaback
Engel
Fisher
Hall
Hartnett
Hillman
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Wehrbein
Wesely
Will
Withem

Voting in the negative, 18:

Avery
Bohlke
Bromm
Coordsen
Day
Dierks
Elmer
Hudkins
Janssen
Jensen
Jones
Pirsch
Robinson
Schmitt
Vrtiska
Warner
Wickersham
Witek

Excused and not voting, 1:

Lynch

The Hall amendment was adopted with 30 ayes, 18 nays, and 1 excused and not voting.

The Chair declared the call raised.

The Appropriations Committee pending motion, as amended, was renewed.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 33:

Bernard-Stevens
Beutler
Brashear
Brown
Chambers
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 16:

Abboud
Avery
Bohlke
Bromm
Coordsen
Hudkins
Janssen
Jensen
Lindsay
McKenzie
Pedersen
Pirsch
Robinson
Vrtiska
Warner
Witek

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

WITHDRAW - Motions to LB 392

Mr. Hall withdrew his motions, found in the Journal on pages 2634 and 2635, to override the Governor's line-item veto to LB 392.

Mr. Bernard-Stevens withdrew his motions, found in the Journal on pages 2636 and 2677, to override the Governor's line-item veto to LB 392.

Mr. Lynch withdrew his motion, found in the Journal on page 2726, to override the Governor's line-item veto to LB 392.

MOTION - Override Line-Item Veto on LB 389

The Appropriations Committee moved to override the Governor's line-item appropriation vetoes, for FY 1995-96 only, contained within all sections of LB 389.

Agency 07--Governor --Program 18--Policy Research Office(Sec 11)	$ 335(G)
Agency 15--Board of Pardons & Board of Parole --Program 358--Board of Parole(Sec 34)	1,107(G)
Agency 32--Board of Educational Land and Funds --Program 529--Land Surveys(Sec 88)	195(G)

Agency 47--Neb. Educational Telecommunications Comm.	
--Program 533--Educational Telecomm(Sec 107)	26,198(G)
--Program 566--Public Radio(Sec 108)	1,864(G)
Agency 48--Coordinating Commission for Postsec Ed	
--Program 640--Postsecondary Ed Coordination(Sec 109)	5,838(G)
Agency 51--University of Nebraska	
--Program 781--Central Admin.--Systemwide(Sec 111)	3,000,000(G)
Agency 87--Accountability and Disclosure Comm.	
--Program 94--Administration(Sec 162)	2,526(G)
TOTAL RECOMMENDED OVERRIDES	**$3,038,063(G)**

This motion is offered as provided by Rule 6, Section 14(b) upon the recommendation of the Appropriations Committee.

MR. HALL PRESIDING

Mr. Wehrbein moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Wehrbein requested a roll call vote, in reverse order, on the Appropriations Committee motion.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 30:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Cudaback
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely

Voting in the negative, 15:

Abboud
Coordsen
Day
Janssen
Jensen
Jones
Lindsay
Pedersen
Pirsch
Robinson
Schmitt
Vrtiska
Wickersham
Witek
Withem

Present and not voting, 3:

Avery
Dierks
Will

Absent and not voting, 1:

Elmer

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 136

Mr. Warner moved that LB 136 become law notwithstanding the objections of the Governor.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Warner requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 26:

Bernard-Stevens
Beutler
Bohlke
Bromm
Coordsen
Fisher
Hall
Hartnett
Hillman
Janssen
Kristensen
Landis
Lindsay
Lynch
McKenzie
Preister
Robinson
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 19:

Abboud
Avery
Chambers
Cudaback
Day
Dierks
Elmer
Engel
Hudkins
Jensen
Jones
Matzke
Pedersen
Pirsch
Robak
Schellpeper
Schmitt
Schrock
Witek

Present and not voting, 4:

Brashear
Brown
Crosby
Maurstad

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

PROPOSED RULES CHANGES

Mr. Hall asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 5, Sec. 4(e)
(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least ~~24 hours prior to the bills hearing.~~ three legislative days after the introduction of the bill. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Referred to the Rules Committee.

Mr. Hall asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 5, Sec. 4(e)
(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson ~~at least 24 hours prior to the bills hearing.~~ prior to the bill being set for hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

(Amendment, AM2352, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers asked unanimous consent to print the following amendments to LR 52 in the Journal. No objections. So ordered.

(1)

FA354
Resolve 3 in line 1, after "resolution" insert, "and the Omaha World-Herald article dated May 27, 1995, headlined: 'Ger-Man Tourist Office in N.Y. Accused of Racism',".

(2)

FA355

Add new WHEREAS after the first "whereas": "WHEREAS, in the State of Nebraska, bookstores, public and university libraries, newspapers and some publishing houses, sell, disseminate, contain, lend and/or publish books, magazines, periodicals, articles, journals, posters and other materials which contain Nazi and neo-Nazi propaganda, dieas and doctrines; and".

(3)

FA356

Add new WHEREAS after the second "whereas": "WHEREAS, in the State of Nebraska, certain radio stations broadcast so-called 'talk shows' whose virulent hosts (e.g., Rush Limbaugh and G. Gordon Liddy) spew racist, sexist, homophobic ideas and doctrines which foment divisiveness and hatred; and".

(4)

FA357

Amend second WHEREAS in line 1, after "attention" insert, "rivalling the national attention accorded the UNL football team".

(5)

FA358

In the 2nd WHEREAS in line 1, after "WHEREAS" insert "only because"; in line 2 after "caused" insert "some Nebraskans to feel embarrassment because such activity focuses unwanted attention on the existence of racism, sexism and homophobia within the State of Nebraska"; strike beginning with "people" in line 2 through "doctrines;" in line 4.

(6)

FA359

Amend 3rd WHEREAS in line 1, after "because" insert, "some Members of"; after "Legislature" strike "is" and insert "are".

In 3rd WHEREAS in line 1, after "that" insert "some".

In 3rd WHEREAS in line 2 after "oppose" insert "some of".

(7)

FA360

In 3rd WHEREAS in line 3 after "Socialism" insert "except as they relate to racism, sexism and homophobia".

(8)

FA361

In 3rd WHEREAS in line 4 after "Americans" insert "including African-Americans who, during WWII were subjected to racially discriminatory, official policies and practices of the American Government and its Military".

(9)

FA362

In 3rd WHEREAS in line 4 after lives)," insert "some Members of"; strike "wishes" and insert "wish".

(10)

FA363

In 3rd WHEREAS in line 5 after "completely" insert "absolutely, positively, unequivocally, indignantly, angrily and righteously (except with regard to racism, sexism and homophobia".

(11)

FA364

Add new WHEREAS: "WHEREAS, the Legislature emphatically dissociates itself from any and all murders, rapes, robberies, assaults, kidnappings, arsons and every other type of violence, crime or antisocial conduct and/or activities which were or may be perpetrated by any person within the State of Nebraska."

(12)

FA365

In the first RESOLVE in line 1 after "Legislature" insert "reluctantly, cautiously and conditionally with exceptions such as burning the American flag".

(13)

FA366

In the second RESOLVE in line 2 after "individuals" insert "including but not limited to book publishers, book sellers, newspaper publishers, distributors and sellers, librarians, professors and teachers, lecturers and other public speakers".

VISITOR

Visitor to the Chamber was Senator Don Sallee from Troy, Kansas.

RECESS

At 12:10 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Hall presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer, Engel, Jones, Landis, and Mrs. Robak who were excused until they arrive.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Sec. 6, 7, and 8, Rule 7, Sec. 3 and 7, so as to allow for final reading of LBs 189e, 189Ae, 626e, 559, 455e, 455Ae, 371, 742e, 742Ae, 840e, 840Ae, 144, 144A, and 613e without further amendment or motion.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a record vote on the Withem motion to suspend the rules.

Voting in the affirmative, 36:

Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Robinson
Schellpeper
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 5:

Bernard-Stevens
Chambers
Hudkins
Pirsch
Witek

Present and not voting, 6:

Abboud
Avery
Brashear
Preister
Schimek
Stuhr

Excused and not voting, 2:

Landis
Robak

The Withem motion to suspend the rules prevailed with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 189. With Emergency.

A BILL FOR AN ACT relating to courts; to amend sections 24-201.01, 24-301.02, 24-803, 24-809.01, and 24-810, Revised Statutes Supplement, 1994; to change the salaries of judges; to change the number of judges in a district court judicial district; to change membership of the Judicial Resources Commission; to provide duties for the State Court Administrator and the Judicial Resources Commission; to change procedures for filling judicial vacancies; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Jensen
Kristensen
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Avery
Beutler
Chambers
Coordsen
Janssen
Jones
Pirsch
Schellpeper
Schmitt
Witek

Present and not voting, 1:

Matzke

Excused and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 189A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 189, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Kristensen
Lindsay
Lynch
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Avery
Beutler
Chambers
Janssen
Jensen
Jones
Pirsch
Schellpeper
Schmitt
Witek

Present and not voting, 1:

Matzke

Excused and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 626. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to define terms; to provide for the confidentiality of compliance review documents as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby

Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Beutler
Chambers
Preister
Wesely

Present and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 559.

A BILL FOR AN ACT relating to income tax; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska; to change calculations related to a sales factor; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Witek
Withem

Voting in the negative, 3:

Landis
Wesely
Wickersham

Present and not voting, 2:

Chambers
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 455. With Emergency.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-504, 68-104, 68-131, and 68-1020, Reissue Revised Statutes of Nebraska, and sections 43-512, 68-1702, 68-1708, 68-1711, 68-1713, 68-1715, 68-1716, 68-1717, 68-1721, 68-1724, and 68-1730, Revised Statutes Supplement, 1994; to change provisions relating to aid to dependent children, medicaid, self-sufficiency contracts, reports, implementation of waivers, cash assistance, and eligibility for county assistance programs; to require reports, recommendations, and studies; to provide for an advisory committee and a task force; to provide for a plan for health care access; to provide for adjustment of payments and reimbursements; to eliminate provisions relating to an assessment tool, a report, the Nebraska Training Partnership, and a committee; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 68-1710, 68-1712, 68-1714, and 68-1735, Revised Statutes Supplement, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 9:

Chambers
Crosby
Dierks
Hall
Hartnett
Landis
Lindsay
Pedersen
Witek

Present and not voting, 1:

Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 455A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 455, Ninety-fourth Legislature, First Session, 1995; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Elmer
Engel
Fisher
Hillman
Hudkins
Janssen
Jensen
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 9:

Chambers
Crosby
Dierks
Hall
Hartnett
Landis
Lindsay
Pedersen
Witek

Present and not voting, 1:

Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Bracket LB 371

Mr. Chambers moved to bracket LB 371.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Chambers motion to bracket out of order because the Withem motion to suspend the rules prohibits consideration of motions on Final Reading.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

PRESIDENT ROBAK PRESIDING

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 25:

Abboud
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Hudkins
Kristensen
Matzke
Maurstad
McKenzie
Pirsch
Preister
Robak
Robinson
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Wickersham

Voting in the negative, 12:

Crosby
Dierks
Elmer
Jensen
Jones
Landis
Lindsay
Pedersen
Schellpeper
Schrock
Will
Witek

Present and not voting, 11:

Avery
Day
Engel
Fisher
Hall
Hartnett
Hillman
Janssen
Vrtiska
Warner
Withem

Excused and not voting, 1:

Lynch

The Chambers motion to overrule the Chair prevailed with 25 ayes, 12 nays, 11 present and not voting, and 1 excused and not voting.

The Chair was overruled.

The Chambers motion to bracket LB 371 was renewed.

Mr. Will and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 9:

Bernard-Stevens
Bromm
Chambers
Coordsen
Cudaback
Elmer
Hall
Pirsch
Witek

Voting in the negative, 35:

Abboud
Bohlke
Brashear
Brown
Crosby
Day
Dierks
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 3:

Avery
Beutler
Jones

Excused and not voting, 2:

Lynch
Will

The Chambers motion to bracket lost with 9 ayes, 35 nays, 3 present and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 189, 189A, 626, 559, 455, and 455A.

BILLS ON FINAL READING

LEGISLATIVE BILL 371. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 371.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-318, 28-320, 28-1205, 28-1206, 29-2257, 29-2525, 43-2,104, 43-2,105, 47-616, 83-1,107, 83-1,110, 83-1,116, 83-1,122, 83-1,123, 83-1,135, 83-4,114.01, and 83-925.07, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-319, 28-416, 28-516, 28-1212.01, 28-1212.02, 29-2204, 29-2221, and 29-2262, Revised Statutes Supplement, 1994; to change provisions relating to penalties for felonies; to define and redefine terms; to change provisions relating to the Uniform Controlled Substances Act; to change provisions relating to and provide for the offenses of unauthorized use of a propelled vehicle, use of a deadly weapon to commit a felony, possession of a deadly weapon by a felon or fugitive, and assault on an officer using a motor vehicle; to change provisions relating to unlawful discharge of a firearm; to change provisions relating to probation officers; to change provisions relating to sentences, habitual criminals, incarceration, capital cases, and sexual assault; to change and eliminate provisions relating to juvenile courts, records of adjudications, good time, and parole; to provide for venue in certain cases involving theft; to provide for civil actions against persons convicted of terroristic threats; to change provisions relating to facilities and services for juveniles; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Engel
Fisher
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Will
Withem

Voting in the negative, 7:

Chambers
Crosby
Elmer
Hall
Lynch
Schmitt
Wickersham

Present and not voting, 1:

Witek

Excused and not voting, 1:

Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742. With Emergency.

A BILL FOR AN ACT relating to special education; to amend sections 79-3301, 79-3325, 79-3332, 79-3333, 79-3366, and 79-3368, Reissue Revised Statutes of Nebraska; to state findings and intent; to define a term; to provide powers and duties relating to special education; to change reimbursement provisions for special education; to provide for waiver of rules and regulations; to harmonize provisions; to provide a termination date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 3:

Crosby
Landis
Stuhr

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 742A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 41, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995; to change appropriations; to transfer funds; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Crosby
Landis

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 840. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-3509.02, 79-3801, 79-3803, 79-3804, 79-3806, 79-3812, and 79-3813, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to state aid for reorganized districts; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 840A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 840, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud
Avery
Bernard-Stevens
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson

Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 144.

A BILL FOR AN ACT relating to economic development; to adopt the Partnerships for Economic Development Act; and to provide a termination date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Pirsch
Witek

Present and not voting, 3:

Brown
Chambers
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 144A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Ninety-fourth Legislature, First Session, 1995.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Crosby
Cudaback
Day
Dierks
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lindsay
Lynch
Matzke
Maurstad
McKenzie
Pedersen
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Pirsch
Witek

Present and not voting, 2:

Brown
Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 613. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-3814 and 79-3816, Reissue Revised Statutes of Nebraska, section 77-3437, Revised Statutes Supplement, 1994, and section 77-3439, Revised Statutes Supplement, 1994, as amended by section 1, Legislative Bill 49, Ninety-fourth Legislature, First Session, 1995; to change property tax limitations for political subdivisions; to change budget limitation provisions for school districts; to eliminate a termination date for property tax limitations; to repeal the original sections; to outright repeal section 77-3441, Revised Statutes Supplement, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud
Avery
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Day
Elmer
Engel
Fisher
Hall
Hartnett
Hillman
Jensen
Kristensen
Lindsay
Matzke
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Robinson
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 11:

Bernard-Stevens
Chambers
Dierks
Hudkins
Janssen
Jones
Landis
Lynch
Schellpeper
Schmitt
Schrock

Present and not voting, 2:

Cudaback
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 371, 742, 742A, 840, 840A, 144, 144A, and 613.

COMMUNICATION

June 8, 1995

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 389 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Attachment

CERTIFICATE

Legislative Bill 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 11, Agency 07, Governor, Program 18--Policy Research Office, $335(G);

Section 34, Agency 15, Board of Pardons & Board of Parole, Program 358--Board of Parole, $1,107(G);

Section 88, Agency 32, Board of Educational Land & Funds, Program 529--Land Surveys, $195(G);

Section 107, Agency 47, Nebraska Educational Telecommunications Comm.--Program 533, Educational Telecommunications, $26,198(G); Section 108, Program 566, Public Radio, $1,864(G);

Section 109, Agency 48, Coordinating Commission for Postsecondary Education--Program 640, Postsecondary Education Coordination, $5,838(G);

Section 111, Agency 51, University of Nebraska--Program 781, Central Administration--Systemwide, $3,000,000(G);

Section 162, Agency 87, Accountability and Disclosure Commission--Program 94, Administration, $2,526(G).

(Signed) Kim Robak
President of the Legislature

COMMUNICATION

June 8, 1995

The Honorable Scott Moore
Secretary of State

2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 392 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Attachment

CERTIFICATE

Legislative Bill 392, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 41, Restore recommended increase, Textbook Loan, $45,000(G);

Section 45, Restore School for the Deaf Funding during transition, $300,000(G);

Section 98, Restore 1) Mental Health aid, $562,500; 2) Children's Mental Health aid, $512,500; 3) Offset against increased cash funds, $1,000,000 and Regional Center reductions, $100,000, $2,175,000(G);

Section 100, Restore Developmental Disabilities Pay Equity, $3,302,456(G). NOTE: Override will also include $2,328,363(F);

Section 109, Restore Mass Transit Aid, $475,000(G);

Section 146, Restore Kearney/Geneva funding, $552,837(G);

Section 157, Restore 4-H and FFA Premiums, $83,106(G).

Section 43, Vocational Rehabilitation, Dept. of Education, $750,000(G);

Section 18, Statewide Probation, Supreme Court, $334,713(G);

Section 104, Domestic Violence, $73,500, and salaries for direct care staff, $218,867, Dept. of Social Services, $292,367(G).

(Signed) Kim Robak
President of the Legislature

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 2533: William Skarda - Nebraska Liquor Control Commission and Matt Pelzer - Nebraska Advisory Commission on Compulsive Gambling.

Voting in the affirmative, 30:

Abboud
Beutler
Bohlke
Bromm
Brown
Chambers
Crosby
Cudaback
Day
Elmer
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Landis
Lynch
Maurstad
Pedersen
Preister
Schellpeper
Schrock
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 19:

Avery
Bernard-Stevens
Brashear
Coordsen
Dierks
Fisher
Jensen
Kristensen
Lindsay
Matzke
McKenzie
Pirsch
Robak
Robinson
Schimek
Schmitt
Will
Witek
Withem

These appointments were confirmed with 30 ayes, 0 nays, and 19 present and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 2607: Jerry Hohnbaum, David Conway, and Linsay Darnall - Commission for the Hearing Impaired, Timothy Bachenberg - Child Abuse Prevention Fund Board, and Irene Fiesterman and Janet Fletcher - Rural Health Advisory Commission.

Voting in the affirmative, 36:

Abboud
Avery
Bernard-Stevens
Beutler
Bohlke
Bromm
Brown
Chambers
Crosby
Day
Dierks
Engel
Hall
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Maurstad
Pedersen
Pirsch
Preister
Robak
Schellpeper
Schimek
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Witek
Withem

Voting in the negative, 0.

Present and not voting, 13:

Brashear
Coordsen
Cudaback
Elmer
Fisher
Jensen
Lindsay
Matzke
McKenzie
Robinson
Schmitt
Schrock
Will

These appointments were confirmed with 36 ayes, 0 nays, and 13 present and not voting.

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 2616: Frankie Moore - Commission of Industrial Relations.

Voting in the affirmative, 32:

Abboud
Avery
Bernard-Stevens
Bromm
Brown
Crosby
Cudaback
Day
Dierks
Engel
Hall
Hartnett
Hillman
Hudkins
Jones
Kristensen
Landis
Lynch
Maurstad
Pedersen
Pirsch
Preister
Schellpeper
Schimek
Schrock
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 17:

Beutler
Bohlke
Brashear
Chambers
Coordsen
Elmer
Fisher
Janssen
Jensen
Lindsay
Matzke
McKenzie
Robak
Robinson
Schmitt
Vrtiska
Will

The appointment was confirmed with 32 ayes, 0 nays, and 17 present and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 2622: David L. Gilfillan - Nebraska Railway Council and Mardy McCullough, Marlin Armbruster, and James W. Budke - Nebraska Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 30:

Abboud
Avery
Brown
Chambers
Crosby

Day
Dierks
Engel
Hall
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen
Pirsch
Preister
Robak
Schellpeper
Stuhr
Vrtiska
Warner
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 19:

Bernard-Stevens
Beutler
Bohlke
Brashear
Bromm
Coordsen
Cudaback
Elmer
Fisher
Hartnett
Hillman
Jensen
Lindsay
Matzke
Robinson
Schimek
Schmitt
Schrock
Will

These appointments were confirmed with 30 ayes, 0 nays, and 19 present and not voting.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 274 and LR 275.

The Withem motion to suspend the rules prevailed with 33 ayes, 0 nays, and 16 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 264. Read. Considered.

LEGISLATIVE RESOLUTION 265. Read. Considered.

LEGISLATIVE RESOLUTION 266. Read. Considered.

LEGISLATIVE RESOLUTION 267. Read. Considered.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LEGISLATIVE RESOLUTION 272. Read. Considered.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LEGISLATIVE RESOLUTION 275. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 264, 265, 266, 267, 268, 269, 270, 272, 273, 274, and 275 were adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 52. Read. Considered.

Mrs. Crosby asked unanimous consent to pass over LR 52. No objections. So ordered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 81. Read. Considered.

Standing Committee amendment, AM2019, found in the Journal on page 2016, was considered.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:
AM2598

(Amendments to AM2019)

1. Strike amendments 1, 2, and 3 and insert the following new amendments:

"1. Strike the original sections and all amendments thereto and insert the following:

'WHEREAS, the people of the State of Nebraska enjoy a sister-state relationship with Taiwan; and

WHEREAS, commercial interaction with Taiwan has grown substantially in recent years to the mutual benefit of both our citizenry; and

WHEREAS, Taiwan has made progress in the democratic political system in recent years; and

WHEREAS, Taiwan has had a role in international development programs and humanitarian relief operations; and

WHEREAS, the active cultural exchange by and between the sister-states has a positive educational value.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the ongoing commercial relationship of the State of Nebraska with the people of Taiwan should be recognized as serving our mutual interests in an equitable and reciprocal manner.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as memorial to the Congress of the United States.'."

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LR 81 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

Standing Committee amendment, AM0791, found in the Journal on page 1010, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LR 28 was adopted with 33 ayes, 0 nays, and 16 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 8, 1995, at 5:10 p.m., were the following bills: 189, 189A, 626, 559, 455, and 455A.

Presented to the Governor on June 8, 1995, at 6:00 p.m., were the following bills: 371, 742, 742A, 840, 840A, 144, 144A, and 613.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PROPOSED RULES CHANGE

Mr. Cudaback asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 7, Section 10.
Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a co-introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer ~~after eight hours of debate on the bill at that stage~~ at any stage of consideration. ~~except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration.~~ The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority plus two, of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is

speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

Referred to the Rules Committee.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Withem's birthday.

MOTION - Notify Governor

Mrs. Crosby moved that a committee of five be appointed to notify the Governor that the Ninety-Fourth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mmes. Crosby, Hillman, Bohlke, Messrs. Cudaback, and Lindsay to serve on said Committee.

MR. HALL PRESIDING

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolutions were correctly enrolled: 81 and 28.

(Signed) David I. Maurstad, Chairperson

ENROLLED RESOLUTIONS

LEGISLATIVE RESOLUTION 81. Introduced by Wehrbein, 2; Vrtiska, 1; Coordsen, 32; Wesely, 26; Elmer, 44; Dierks, 40; Hudkins, 21.

WHEREAS, the people of the State of Nebraska enjoy a sister-state relationship with Taiwan; and

WHEREAS, commercial interaction with Taiwan has grown substantially in recent years to the mutual benefit of both our citizenry; and

WHEREAS, Taiwan has made progress in the democratic political system in recent years; and

WHEREAS, Taiwan has had a role in international development programs and humanitarian relief operations; and

WHEREAS, the active cultural exchange by and between the sister-states has a positive educational value.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the ongoing commercial relationship of the State of Nebraska with the people of Taiwan should be recognized as serving our mutual interests in an equitable and reciprocal manner.
2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as memorial to the Congress of the United States.

LEGISLATIVE RESOLUTION 28. Introduced by Withem, 14; Day, 19; Lindsay, 9; Matzke, 47; Wesely, 26.

WHEREAS, the area of intercountry adoptions remains vague and unclearly defined; and

WHEREAS, many citizens of the State of Nebraska share concerns about intercountry adoptions; and

WHEREAS, the State of Nebraska has traditionally been dedicated to serving the best interests of children; and

WHEREAS, the text of the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, a multilateral treaty prepared by the Hague Conference on Private International Law, was adopted on May 29, 1993; and

WHEREAS, the Convention covers all adoptions between countries that become parties to it, including adoptive parent initiated, agency arranged, or private, independent adoptions and spells out internationally agreed minimum norms and procedures designed to protect interests of the children, birth parents, and adoptive parents; and

WHEREAS, the 1993 Hague Intercountry Adoption Convention was signed by the United States on March 31, 1994, a symbolic act without legal consequences, signaling that the U.S. government is seeking to obtain necessary authority to be able to ratify the Convention; and

WHEREAS, the fifth meeting of the U.S. State Department's Study Group on Intercountry Adoption will be held to discuss the draft of federal implementing legislation prepared by federal government agencies; and

WHEREAS, the purpose of the federal legislation is to ensure the uniform and full implementation of the Convention throughout the United States, whether the United States is the receiving State or the State of origin of the children involved, to safeguard the children and the interests of the two sets of parents involved in such adoptions; and

WHEREAS, the United States State Department is welcoming and encouraging the input of state adoption licensing agencies at such meeting to facilitate a practical discussion in due effort ultimately to reach a consensus on how to implement the Convention; and

WHEREAS, the Department of Social Services is the licensing authority for adoption agencies in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the appropriate agents of the Department of Social Services be, and hereby are, encouraged actively to participate in the fifth meeting of the United States State Department's Study Group on Intercountry Adoption.

VISITORS

Visitor to the Chamber were Elizabeth and Craig McGill from St. Wenceslaus School, Wahoo.

MOTION - Journal, Session Laws, and Index

Mr. Bernard-Stevens moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Adjourn Sine Die

Mr. Warner moved that the Journal for the Ninetieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Fourth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 6:50 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
FIRST SESSION

COMMUNICATION

June 9, 1995

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 25A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

MESSAGE FROM THE SECRETARY OF STATE

June 9, 1995

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that LB 25A, with a line-item veto, along with the Governor's line-item reduction message was filed in the office of the Secretary of State on June 9, 1995.

Further, I hereby acknowledge receipt of your letter dated June 9, 1995, indicating that "inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 25A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that LB 25A, the Governor's reduction message and your cover letter dated June 9, 1995, have all been filed in this office as a matter of public record.

Sincerely,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 25A passed by the Ninety Fourth Legislature, First Session was returned by Governor Nelson, with an item having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item veto and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 25A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of June in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 9, 1995

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on June 8, 1995, LB 392, your cover letter dated June 8, 1995 and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 392, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 41, Restore recommended increase, Textbook Loan, $45,000(G);
Section 45, Restore School for the Deaf Funding during transition, $300,000(G);
Section 98, Restore 1) Mental Health aid, $562,500; 2) Children's Mental Health aid, $512,500; 3) Offset against increased cash funds, $1,000,000 and Regional Center reductions, $100,000, $2,175,000(G);
Section 100, Restore Developmental Disabilities Pay Equity, $3,302,456(G);
NOTE: Override will also include $2,328,363(F);
Section 109, Restore Mass Transit Aid, $475,000(G);
Section 146, Restore Kearney/Geneva funding, $552,837(G);
Section 157, Restore 4-H and FFA Premiums, $83,106(G);
Section 43, Vocational Rehabilitation, Dept. of Education, $750,000(G);
Section 18, Statewide Probation, Supreme Court, $334,713(G);
Section 104, Domestic Violence, $73,500, and salaries for direct care staff, $218,867, Dept. of Social Services, $292,367(G);

Further, I hereby acknowledge that LB 392, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 392, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 41, Restore recommended increase, Textbook Loan, $45,000(G);
Section 45, Restore School for the Deaf Funding during transition, $300,000(G);
Section 98, Restore 1) Mental Health aid, $562,500; 2) Children's Mental Health aid, $512,500; 3) Offset against increased cash funds, $1,000,000 and Regional Center reductions, $100,000, $2,175,000(G);
Section 100, Restore Developmental Disabilities Pay Equity, $3,302,456(G);
NOTE: Override will also include $2,328,363(F);
Section 109, Restore Mass Transit Aid, $475,000(G);
Section 146, Restore Kearney/Geneva funding, $552,837(G);
Section 157, Restore 4-H and FFA Premiums, $83,106(G);
Section 43, Vocational Rehabilitation, Dept. of Education, $750,000(G);
Section 18, Statewide Probation, Supreme Court, $334,713(G);
Section 104, Domestic Violence, $73,500, and salaries for direct care staff, $218,867, Dept. of Social Services, $292,367(G); These provisions have become law the 8th day of June, 1995.

Further, I hereby certify that LB 392 was filed in the office of the Secretary of State on June 8, 1995, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message. All documents herein certified are made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of June in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 9, 1995

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on June 8, 1995, LB 389, your cover letter dated June 8, 1995 and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 11, Agency 07, Governor, Program 18--Policy Research Office, $335(G);

Section 34, Agency 15, Board of Pardons & Board of Parole, Program 358--Board of Parole, $1,107(G);

Section 88, Agency 32, Board of Educational Land & Funds, Program 529--Land Surveys, $195(G);

Section 107, Agency 47, Nebraska Educational Telecommunications Comm.--Program 533, Educational Telecommunications, $26,198(G);

Section 108, Program 566, Public Radio, $1,864(G);

Section 109, Agency 48, Coordinating Commission for Postsecondary Education--Program 640, Postsecondary Education Coordination, $5,838(G);

Section 111, Agency 51, University of Nebraska--Program 781, Central Administration--Systemwide, $3,000,000(G);

Section 162, Agency 87, Accountability and Disclosure Commission--Program 94, Administration, $2,526(G); These provisions have become law the 8th day of June, 1995.

Further, I hereby acknowledge that LB 389, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes for FY 1995-96 only, as follows:

Section 11, Agency 07, Governor, Program 18--Policy Research Office, $335(G);

Section 34, Agency 15, Board of Pardons & Board of Parole, Program 358--Board of Parole, $1,107(G);

Section 88, Agency 32, Board of Educational Land & Funds, Program 529--Land Surveys, $195(G);

Section 107, Agency 47, Nebraska Educational Telecommunications Comm.--Program 533, Educational Telecommunications, $26,198(G);

Section 108, Program 566, Public Radio, $1,864(G);

Section 109, Agency 48, Coordinating Commission for Postsecondary Education--Program 640, Postsecondary Education Coordination, $5,838(G);

Section 111, Agency 51, University of Nebraska--Program 781, Central Administration--Systemwide, $3,000,000(G);

Section 162, Agency 87, Accountability and Disclosure Commission--Program 94, Administration, $2,526(G); These provisions have become law the 8th day of June, 1995.

Further, I hereby certify that LB 389 was filed in the office of the Secretary of State on June 8, 1995, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of June in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE GOVERNOR

June 13, 1995

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 189, 189A, 626, 559, 455, 455A, 371, 742, 742A, 840, 840A, 144, 144A, and 613 were received in my office on June 8, 1995.

These bills were signed by me on June 13, 1995, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Fourth Legislature, First Session, and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

June 14, 1995
Lincoln, Nebraska

INDEXES FOR

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE

FIRST SESSION

1995

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-95

CHRONOLOGY OF BILLS

NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

LEGISLATIVE BILL 1. By Executive Board

Jan.	5	Read first time	110
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	435
Jan.	24	Placed on Select File - AM7001	464
Jan.	25	AM7001 (E & R) adopted. Advanced for Engrossment	473
Jan.	27	Correctly Engrossed. ER9000 change	509
Feb.	9	Final Reading 41-0-8	680
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 2. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	435
Jan.	24	Placed on Select File - AM7000	465
Jan.	25	AM7000 (E & R) adopted. Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 42-0-7	681
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 3. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	435
Jan.	24	Placed on Select File	465
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	8	Final Reading 35-0-14	643
Feb.	8	President signed	658

Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 4. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	435
Jan.	24	Placed on Select File	465
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Jan.	27	ER9001 change	510
Feb.	9	Final Reading 44-0-5	682
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 5. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File - AM7002	465
Jan.	25	AM7002 (E & R) adopted. Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	8	Final Reading 40-0-9	643
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 6. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File	465
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	8	Final Reading 40-0-9	644
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 7. By Executive Board

Jan.	5	Read first time	111
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436

Jan.	24	Placed on Select File - AM7003	465
Jan.	25	AM7003 (E & R) adopted. Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	15	Final Reading 40-0-9	750
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 8. By Executive Board

Jan.	5	Read first time	112
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 44-0-5	683
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 9. By Executive Board

Jan.	5	Read first time	112
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File - AM7004	466
Jan.	25	AM7004 (E & R) adopted. Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	8	Final Reading 40-0-9	645
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 10. By Executive Board

Jan.	5	Read first time	112
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 42-0-7	683
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 11. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 44-0-5	684
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 12. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	436
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 43-0-6	685
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 13. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	437
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	8	Final Reading 40-0-9	646
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 14. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	437
Jan.	24	Placed on Select File	466
Jan.	25	Advanced for Engrossment	473
Jan.	27	Correctly Engrossed	509
Feb.	9	Final Reading 44-0-5	685
Feb.	10	Speaker signed	703

Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 15. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	437
Jan.	25	Placed on Select File - AM7005	477
Jan.	26	AM7005 (E & R) adopted. Advanced for Engrossment	502
Jan.	27	Correctly Engrossed	518
Feb.	8	Final Reading 41-0-8	646
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 16. By Executive Board

Jan.	5	Read first time	113
Jan.	9	Placed on General File	164
Jan.	20	Advanced for Review	437
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	502
Jan.	27	Correctly Engrossed	518
Feb.	8	Final Reading 43-0-6	647
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 17. By Executive Board

Jan.	5	Read first time	114
Jan.	9	Referred to Committee on Revenue	164
Jan.	11	Notice of hearing (1/18)	246
Jan.	23	Placed on General File - Com AM0014	450
Jan.	24	Committee AM0014 adopted. Advanced for Review	461
Jan.	26	Placed on Select File - AM7009	488
Jan.	30	AM7009 (E & R) adopted. Advanced for Engrossment	528
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading w/E 44-0-5	653
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 18. By Chambers

Jan.	5	Read first time	114
Jan.	9	Referred to Committee on Judiciary	164
Feb.	16	Notice of hearing (2/24)	784

LEGISLATIVE BILL 19. By Chambers

Jan.	5	Read first time	114
Jan.	9	Referred to Committee on Judiciary	164
Jan.	11	Notice of hearing (1/18)	254
Jan.	12	Brown name added	283
Jan.	19	Lindsay name added	430
Jan.	19	Pedersen name added	431
Jan.	23	Placed on General File - Com AM0033	454
Jan.	25	Committee AM0033 adopted. Withem AM0060 withdrawn. Advanced for Review	480
Jan.	25	Will name added	484
Jan.	27	Placed on Select File - AM7010	514
Jan.	30	AM7010 (E & R) adopted. Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Mar.	15	Withem AM0997 printed	1126
Mar.	24	Withem pending AM0997 p. 1126 withdrawn. Lindsay motion to return to Select File for AM1192 withdrawn. Lindsay AM1192 withdrawn. Returned to Select File for Lindsay amendment. Lindsay AM1193 adopted. Advanced for Reengrossment	1288
Mar.	27	Correctly Reengrossed. ER9022 change	1347
May	31	Final Reading w/E 43-1-5	2666
May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 84 amended into LB 19 by AM1193)
(Provisions/portions of LB 138 amended into LB 19 by AM1193)
(Provisions/portions of LB 189 amended into LB 19 by AM1193)

LEGISLATIVE BILL 19A. By Chambers

Jan.	26	Read first time. Placed on General File	490
Feb.	2	Advanced for Review	575
Feb.	2	Placed on Select File	595
Feb.	6	Advanced for Engrossment	621
Feb.	8	Correctly Engrossed	662
Mar.	28	Chambers AM1314 printed	1391
Apr.	7	Returned to Select File for Chambers amendment. Chambers pending AM1314 p. 1391 adopted. Advanced for Reengrossment	1539
Apr.	10	Correctly Reengrossed	1588
May	31	Final Reading w/E 42-1-6	2667

May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 20. By Chambers

Jan.	5	Read first time	114
Jan.	9	Referred to Committee on Business and Labor	164
Jan.	12	Notice of hearing (1/23)	280
Jan.	26	Placed on General File	501
Jan.	30	Beutler AM0133 and AM0134 adopted. Beutler AM0136 withdrawn. Pending	525
Jan.	30	Bromm FA10 adopted. Pending	527
Jan.	31	Matzke FA12 adopted as amended by Bromm FA14. Chambers FA13 withdrawn. Pending	537
Jan.	31	Chambers AM0155 lost. Bohlke FA15 and Lindsay FA17 adopted. Bromm FA16 withdrawn. Advanced for Review	545
Jan.	31	Landis AM0169 printed	553
Feb.	1	Chambers AM0155 printed	568
Feb.	2	Placed on Select File - AM7017	571
Feb.	2	Chambers AM0218 to AM7017 printed	595
Feb.	15	AM7017 (E & R) adopted. Landis pending AM0169 p. 553, Chambers pending AM0218 p. 595, and pending AM0155 p. 568 withdrawn. Chambers-Matzke-Landis-Bromm AM0429 pending	758
Feb.	15	Chambers et al pending AM0429 p. 758 adopted. Advanced for Engrossment	760
Feb.	21	Correctly Engrossed. ER9011 change	786
May	30	Final Reading 31-6-12	2629
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 20A. By Chambers

Feb.	10	Read first time. Placed on General File	709
Mar.	2	Advanced for Review	955
Mar.	6	Placed on Select File	971
Mar.	22	Advanced for Engrossment	1217
Mar.	22	Correctly Engrossed	1235
May	30	Final Reading 36-1-12	2630
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 21. By Chambers

Jan.	5	Read first time	115
Jan.	9	Referred to Committee on Business and Labor	164
Feb.	7	Notice of hearing (2/27)	629
Mar.	7	Indefinitely postponed	1010
Mar.	8	Chambers motion to place on General File laid over	1024
Mar.	15	Chambers pending motion p. 1024 to place on General File lost	1123

LEGISLATIVE BILL 22. By Chambers

Jan.	5	Read first time	115
Jan.	9	Referred to Committee on Judiciary	164
Jan.	12	Notice of hearing (1/19)	280
Jan.	23	Placed on General File	453
Jan.	24	Advanced for Review	462
Jan.	26	Placed on Select File	489
Jan.	30	Advanced for Engrossment	528
Feb.	1	Correctly Engrossed	555
Feb.	9	Final Reading 38-0-11	687
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 23. By Chambers

Jan.	5	Read first time	115
Jan.	9	Referred to Committee on Transportation	164
Feb.	2	Notice of hearing (2/13)	597
Feb.	24	Indefinitely postponed	883

(Provisions/portions of LB 23 amended into LB 424 by AM1343)

LEGISLATIVE BILL 24. By Chambers, Beutler

Jan.	5	Read first time	115
Jan.	9	Referred to Committee on Transportation	164
Feb.	2	Notice of hearing (2/13)	597
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 25. By Crosby

Jan.	5	Read first time	115
Jan.	9	Referred to Committee on Health and Human Services	164
Jan.	9	Pedersen name added	198
Jan.	12	Notice of hearing (1/19)	279
Jan.	20	Placed on General File - Com AM0026	437
Jan.	23	Committee AM0026 adopted. Advanced for Review	447
Jan.	25	Placed on Select File	480

Jan.	26	Crosby FA9 adopted. Advanced for Engrossment	502
Jan.	27	Correctly Engrossed. ER9002 change	518
May	30	Hall motion to return to Select File for FA332 withdrawn	2630
May	30	Final Reading 36-5-8	2631
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	8	Approved by Governor (6/2)	2750

LEGISLATIVE BILL 25A. By Crosby

Jan.	26	Read first time. Placed on General File	493
Feb.	2	Advanced for Review	575
Feb.	2	Placed on Select File - AM7026	595
Feb.	6	AM7026 (E & R) adopted. Advanced for Engrossment	621
Feb.	8	Correctly Engrossed	662
May	30	Final Reading 41-3-5	2631
May	30	Speaker signed	2648
May	31	Correction. Presented to Governor (5/30)	2652
June	8	Approved by Governor w/line-item veto (6/2)	2749
June	14	Communication. Message from Secretary of State	2796
June	14	Certificate	2797

LEGISLATIVE BILL 26. By Warner

Jan.	5	Read first time	116
Jan.	9	Referred to Committee on Revenue	164
Jan.	12	Notice of hearing (1/19)	281
Jan.	20	Placed on General File	438
Jan.	23	Advanced for Review	452
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	502
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading 42-0-7	648
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 27. By Warner

Jan.	5	Read first time	116
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	164
Jan.	11	Notice of hearing (1/18)	246
Feb.	13	Indefinitely postponed	723

LEGISLATIVE BILL 28. By Warner

Jan.	5	Read first time	116
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	164
Jan.	11	Notice of hearing (1/18)	246
Jan.	23	Placed on General File	452
Jan.	24	Advanced for Review	462
Jan.	26	Placed on Select File	489
Jan.	27	Hall AM0090 printed	511
Jan.	30	Hall pending AM0090 p. 511 pending	529
Feb.	6	Hall pending AM0090 p. 511 lost. Advanced for Engrossment	621
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading w/E 38-7-4	908
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 29. By Warner, at the request of the Governor

Jan.	5	Read first time	116
Jan.	9	Referred to Committee on Appropriations	164
Jan.	31	Notice of hearing (3/7)	552
Mar.	15	Speaker priority bill	1124

LEGISLATIVE BILL 30. By Lynch

Jan.	5	Read first time	116
Jan.	6	Hartnett name added	162
Jan.	9	Referred to Committee on Revenue	164
Jan.	17	Schrock and Elmer names added	314
Feb.	2	Notice of hearing (3/1)	584
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 31. By Lynch

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Revenue	164
Jan.	9	Hartnett name added	198
Jan.	19	Will name added	430
Jan.	19	Schimek name added	431
Jan.	20	Robak name added	445
Feb.	1	Notice of hearing (2/15)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 32. By Lynch

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Health and	

		Human Services	164
Jan.	18	Notice of hearing (1/25)	366
Jan.	31	Indefinitely postponed	550

LEGISLATIVE BILL 33. By Warner

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Appropriations	164
Feb.	1	Notice of hearing (3/10)	561
Mar.	14	Appropriations Committee priority bill	1118
May	5	Placed on General File	2007

LEGISLATIVE BILL 34. By Crosby

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Education	164
Jan.	11	Notice of hearing (1/23)	246
Jan.	24	Indefinitely postponed	461

LEGISLATIVE BILL 35. By Crosby

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Natural Resources	164
Jan.	12	Notice of hearing (1/20)	280

LEGISLATIVE BILL 36. By Crosby

Jan.	5	Read first time	117
Jan.	9	Referred to Committee on Urban Affairs	164
Jan.	17	Notice of hearing (1/24)	304
Jan.	27	Placed on General File - Com AM0069	516
Jan.	30	Maurstad AM0129 printed	533
Feb.	1	Committee AM0069 adopted. Maurstad pending AM0129 p. 533 adopted. Advanced for Review	563
Feb.	2	Placed on Select File - AM7024	576
Feb.	6	AM7024 (E & R) adopted. Hall AM0262 to AM7024 adopted. Advanced for Engrossment	619
Feb.	8	Hall motion to overrule agenda to permit consideration prevailed. Hall motion to return to Select File for FA28 prevailed	660
Feb.	8	Hall FA28 adopted. Advanced for Engrossment	661
Feb.	9	Correctly Engrossed. ER9006 change	698
Mar.	10	Final Reading 40-0-9	1050
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 37. By Coordsen

Jan.	5	Read first time	118
Jan.	9	Referred to Committee on Transportation	164
Jan.	12	Notice of hearing (1/24)	261
Feb.	6	Placed on General File - Com AM0198	614
Mar.	6	Coordsen priority bill	983
Mar.	8	Coordsen FA76 printed	1025
Mar.	9	Coordsen pending FA76 p. 1025 withdrawn. Committee AM0198 adopted. Advanced for Review	1032
Mar.	10	Coordsen AM0886 printed	1056
Mar.	13	Pedersen AM0902 printed	1073
Mar.	14	Placed on Select File - AM7058 (printed separate)	1111
Mar.	22	Preister-Hall-Lindsay AM1083 to AM7058 printed	1220
Mar.	24	Janssen AM1175 to AM7058 printed	1284
Mar.	27	Coordsen AM1140 to AM7058 printed	1331
Mar.	27	Coordsen AM0910 printed	1332
Mar.	27	Schellpeper AM1132 to AM7058 printed	1354
Apr.	4	AM7058 (E & R) adopted. Coordsen pending AM0886 p. 1056 lost	1457
Apr.	4	Pedersen pending AM0902 p. 1073 withdrawn. Preister-Hall-Lindsay pending AM1083 p. 1220 pending	1462
Apr.	4	Preister-Hall-Lindsay pending AM1083 p. 1220 ruled not germane. Preister challenge of Chair lost. Janssen pending AM1175 p. 1284 and Coordsen pending AM1140 p. 1331 adopted. Coordsen request to substitute amendment prevailed. Coordsen pending AM0910 p. 1332 withdrawn. Coordsen substitute AM1395 to AM7058 adopted. Schellpeper pending AM1132 p. 1354 withdrawn. Schellpeper AM1390 sustained division of question. Schellpeper FA109 withdrawn as amended by Coordsen FA110. Withem request for ruling if FA109 germane. Chambers FA111 withdrawn. Advanced for Engrossment	1463
Apr.	4	Beutler name added	1477
Apr.	6	Correction	1510
Apr.	10	Correctly Engrossed. ER9041 change	1588
May	30	Final Reading 43-2-4	2632
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	8	Approved by Governor (6/2)	2750

(Provisions/portions of LB 410 amended into LB 37 by AM1175)

LEGISLATIVE BILL 37A. By Coordsen

Mar.	7	Read first time. Placed on General File	1002
Mar.	9	Advanced for Review	1032
Mar.	14	Placed on Select File	1111
Apr.	4	Advanced for Engrossment	1471
Apr.	10	Correctly Engrossed	1588
May	30	Final Reading 42-1-6	2633
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	8	Approved by Governor (6/2)	2750

LEGISLATIVE BILL 38. By Coordsen

Jan.	5	Read first time	118
Jan.	9	Referred to Committee on Transportation	164
Jan.	12	Notice of hearing (1/23)	261
Jan.	20	Bromm name added	445
Feb.	7	Placed on General File - Com AM0041	634

LEGISLATIVE BILL 39. By Coordsen

Jan.	5	Read first time	118
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	164
Jan.	11	Notice of hearing (1/18)	246
Jan.	23	Indefinitely postponed	452

LEGISLATIVE BILL 40. By Lindsay

Jan.	5	Read first time	118
Jan.	9	Referred to Committee on Judiciary	164
Jan.	12	Notice of hearing (1/19)	280
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 41. By Vrtiska

Jan.	5	Read first time	118
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	164
Jan.	12	Notice of hearing (1/23)	281
Jan.	25	Placed on General File	476
Jan.	27	Advanced for Review	513
Jan.	30	Placed on Select File	533
Feb.	6	Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading w/E 40-0-9	751
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 42. By Maurstad

Jan.	5	Read first time	119
Jan.	9	Referred to Committee on Urban Affairs	164
Jan.	24	Notice of hearing (1/31)	461
Feb.	2	Placed on General File - Com AM0208	590
Mar.	16	Committee AM0208 adopted. Advanced for Review	1167
Mar.	21	Placed on Select File - AM7068	1197
Mar.	30	AM7068 (E & R) adopted. Warner-Maurstad AM1370 adopted. Advanced for Engrossment	1425
Apr.	4	Correctly Engrossed. ER9031 change	1448
Apr.	19	Final Reading 40-0-9	1695
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

(Provisions/portions of LB 181 amended into LB 42 by AM1370)

LEGISLATIVE BILL 43. By Wickersham

Jan.	5	Read first time	119
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	164
Jan.	11	Notice of hearing (1/18)	246
Feb.	6	Placed on General File - Com AM0064	622
Mar.	13	Government, Military and Veterans Affairs Committee priority bill	1073
Mar.	14	Kristensen AM0742 printed	1109

LEGISLATIVE BILL 44. By Schellpeper, Wickersham

Jan.	5	Read first time	119
Jan.	9	Referred to Committee on Business and Labor	164
Jan.	12	Notice of hearing (1/23)	280
Mar.	15	Placed on General File - Com AM0478	1149

LEGISLATIVE BILL 45. By Schellpeper

Jan.	5	Read first time	119
Jan.	9	Referred to Committee on Revenue	164
Feb.	2	Notice of hearing (2/24)	586

LEGISLATIVE BILL 46. By Schimek

Jan.	5	Read first time	119
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	164
Jan.	11	Notice of hearing (1/20)	246
Feb.	24	Placed on General File - Com AM0020	869

LEGISLATIVE BILL 47. By Schimek

Jan.	5	Read first time	120
Jan.	9	Referred to Committee on Education	164
Jan.	11	Notice of hearing (1/23)	246
Mar.	6	Placed on General File - Com AM0745	972

LEGISLATIVE BILL 48. By Schimek

Jan.	5	Read first time	120
Jan.	9	Referred to Committee on Natural Resources	164
Jan.	11	Notice of hearing (1/18)	246
Jan.	24	Placed on General File	463
Jan.	26	Advanced for Review	490
Jan.	27	Placed on Select File - AM7012	518
Jan.	30	AM7012 (E & R) adopted. Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	9	Returned to Select File for Schimek amendment. Schimek FA30 adopted. Advanced for Reengrossment	688
Feb.	10	Correctly Reengrossed	713
Mar.	10	Final Reading w/E 39-0-10	1050
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 49. By Landis, Hartnett

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Revenue	165
Jan.	12	Notice of hearing (1/19)	281
Jan.	23	Placed on General File - Com AM0018	450
Jan.	24	Committee AM0018 adopted. Advanced for Review	461
Jan.	26	Placed on Select File - AM7007	488
Jan.	30	AM7007 (E & R) adopted. Advanced for Engrossment	528
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading w/E 43-0-6	653
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 50. By Coordsen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Natural Resources	165

Feb.	1	Notice of hearing (2/8)	562
Mar.	9	Placed on General File - Com AM0765	1033

LEGISLATIVE BILL 51. By Kristensen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Judiciary	165
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 52. By Kristensen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Judiciary	165
Jan.	11	Notice of hearing (1/18)	254
Jan.	23	Placed on General File	453
Jan.	24	Advanced for Review	463
Jan.	26	Placed on Select File	489
Jan.	30	Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading 41-1-7	654
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 53. By Kristensen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	165
Jan.	11	Notice of hearing (1/20)	246
Jan.	27	Placed on General File - Com AM0089	514
Feb.	1	Committee AM0089 adopted. Advanced for Review	563
Feb.	2	Placed on Select File - AM7022	575
Feb.	6	AM7022 (E & R) adopted. Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading 36-8-5	909
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 54. By Kristensen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Natural Resources	165
Jan.	11	Notice of hearing (1/18)	246
Feb.	2	Indefinitely postponed	582

LEGISLATIVE BILL 55. By Kristensen

Jan.	5	Read first time	121
Jan.	9	Referred to Committee on Health and Human Services	165
Feb.	2	Notice of hearing (2/10)	597

LEGISLATIVE BILL 56. By Kristensen

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Nebraska Retirement Systems	165
Jan.	23	Notice of hearing (1/30)	449

LEGISLATIVE BILL 57. By Hudkins

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Judiciary	165
Jan.	26	Notice of hearing (2/2)	504
Feb.	14	Placed on General File	746

LEGISLATIVE BILL 58. By Hudkins

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Business and Labor	165
Jan.	20	Notice of hearing (1/30)	438

LEGISLATIVE BILL 59. By Schmitt

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Transportation	165
Jan.	12	Notice of hearing (1/23)	261
Jan.	25	Placed on General File - Com AM0042	475
Jan.	27	Committee AM0042 adopted. Advanced for Review	508
Jan.	30	Placed on Select File - AM7014	532
Feb.	6	AM7014 (E & R) adopted. Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading 40-0-9	752
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 60. By Schmitt

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Natural Resources	165
Jan.	12	Notice of hearing (1/19)	280

Jan.	24	Placed on General File	463
Jan.	26	Chambers motion to indefinitely postpone lost	501
Jan.	26	Advanced for Review	503
Jan.	30	Placed on Select File	522
Feb.	10	Schmitt motion to bracket until 1/15/96 laid over	703
Feb.	15	Bracketed until 1/15/96 per motion p. 703	758

LEGISLATIVE BILL 61. By Schmitt

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	165
Jan.	11	Notice of hearing (1/20)	246
Jan.	27	Indefinitely postponed	515

LEGISLATIVE BILL 62. By Schmitt

Jan.	5	Read first time	122
Jan.	9	Referred to Committee on Appropriations	165
Feb.	1	Notice of hearing (3/9)	561

LEGISLATIVE BILL 63. By Schmitt

Jan.	5	Read first time	123
Jan.	9	Referred to Committee on Health and Human Services	165
Jan.	18	Notice of hearing (1/26)	366

LEGISLATIVE BILL 64. By Schmitt, Coordsen, Lynch, Preister, Wickersham

Jan.	5	Read first time	123
Jan.	6	Robak name added	161
Jan.	6	Brashear name added	162
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	165
Jan.	11	Notice of hearing (1/20)	246
Jan.	27	Placed on General File	514
Jan.	31	Advanced for Review	547
Feb.	2	Placed on Select File	573
Feb.	6	Advanced for Engrossment	619
Feb.	8	Correctly Engrossed. ER9004 change	662
Feb.	27	Final Reading 44-0-5	910
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 65. By Kristensen, Wehrbein

Jan.	5	Read first time	123
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	165
Jan.	11	Notice of hearing (1/19)	246
Jan.	27	Placed on General File	514
Feb.	1	Fisher motion to indefinitely postpone laid over	562
Feb.	2	Fisher pending motion p. 562 withdrawn	575
Feb.	2	Advanced for Review	588
Feb.	6	Placed on Select File	625
Feb.	15	Schimek motion to indefinitely postpone withdrawn. Bernard-Stevens AM0065 pending	761
Feb.	28	Bernard-Stevens pending AM0065 p. 761 lost. Advanced for Engrossment	928
Mar.	2	Correctly Engrossed	965
Mar.	24	Withem AM1185 printed	1285
Apr.	7	Returned to Select File for Withem amendment. Withem pending AM1185 p. 1285 adopted. Advanced for Reengrossment	1540
Apr.	10	Correctly Reengrossed	1588
Apr.	10	ER9042 change	1589
Apr.	19	Final Reading 27-15-7	1704
Apr.	19	Speaker signed	1706
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Stuhr explanation of vote	1810
Apr.	25	Returned by Governor without approval (4/25)	1830
May	5	Communication	2008

LEGISLATIVE BILL 66. By Wickersham, Vrtiska

Jan.	5	Read first time	123
Jan.	9	Referred to Committee on Revenue	165
Feb.	2	Notice of hearing (2/24)	586
Feb.	16	Notice of hearing (3/9) (Reset)	784
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 67. By Wickersham

Jan.	5	Read first time	123
Jan.	9	Referred to Committee on Judiciary	165
Mar.	1	Notice of hearing (3/10)	949
Mar.	13	Placed on General File	1084

LEGISLATIVE BILL 68. By Schimek, Brown, Day, Hillman, Schellpeper, Wickersham

Jan. 5	Read first time	123
Jan. 9	Referred to Committee on Banking, Commerce and Insurance	165
Jan. 11	Stuhr name added	255
Feb. 6	Notice of hearing (2/14)	617
Feb. 28	Placed on General File	935
Mar. 1	Stuhr priority bill	944
Mar. 6	Schimek AM0776 adopted. Advanced for Review	977
Mar. 7	Placed on Select File	1010
Mar. 7	Schimek AM0750 printed separate	1015
Mar. 21	Schimek AM0898 printed	1212
Mar. 24	Schimek AM1230 printed	1317
Mar. 27	Schimek pending AM0750 p. 1015 and pending AM1230 p. 1317 adopted. Schimek pending AM0898 p. 1212 withdrawn. Advanced for Engrossment	1359
Mar. 30	Correctly Engrossed. ER9026 change	1431
Apr. 27	Final Reading 36-0-13	1868
Apr. 27	President signed	1880
Apr. 27	Presented to Governor (4/27)	1895
May 3	Approved by Governor (5/3)	1942

(Provisions/portions of LB 460 amended into LB 68 by AM0750)

LEGISLATIVE BILL 68A. By Schimek

Mar. 28	Read first time. Placed on General File	1385
Apr. 4	Advanced for Review	1454
Apr. 7	Placed on Select File	1538
Apr. 11	Advanced for Engrossment	1606
Apr. 11	Correctly Engrossed	1614
Apr. 27	Final Reading 34-0-15	1869
Apr. 27	President signed	1880
Apr. 27	Presented to Governor (4/27)	1895
May 3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 69. By Witek, Pirsch

Jan. 5	Read first time	124
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	165
Jan. 11	Notice of hearing (1/19)	246
Feb. 13	Indefinitely postponed	723

LEGISLATIVE BILL 70. By Witek

Jan. 5	Read first time	124
Jan. 9	Referred to Committee on Education	165
Jan. 12	Notice of hearing (1/24)	281
Feb. 2	Indefinitely postponed	582

LEGISLATIVE BILL 71. By Pedersen

Jan.	5	Read first time	124
Jan.	10	Referred to Committee on Judiciary	201
Jan.	12	Notice of hearing (1/19)	280
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 72. By Pedersen

Jan.	5	Read first time	124
Jan.	10	Referred to Committee on General Affairs	201
Jan.	20	Notice of hearing (1/30)	439
Jan.	31	Indefinitely postponed	544

LEGISLATIVE BILL 73. By Maurstad

Jan.	5	Read first time	124
Jan.	10	Referred to Committee on Urban Affairs	201
Jan.	17	Notice of hearing (1/24)	304
Jan.	27	Indefinitely postponed	518

LEGISLATIVE BILL 74. By Pirsch

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Judiciary	201
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 75. By Pirsch

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Judiciary	201
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 76. By Pirsch

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	12	Notice of hearing (1/23)	281
Jan.	25	Placed on General File	476
Jan.	27	Advanced for Review	515
Feb.	1	Placed on Select File	559
Feb.	6	Advanced for Engrossment	606
Feb.	6	Pedersen name added	626
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading w/E 44-0-5	910

Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 77. By Pirsch

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Business and Labor	201
Jan.	20	Notice of hearing (1/30)	438
Jan.	31	Placed on General File - Com AM0159	548
Feb.	9	Committee AM0159 adopted. Advanced for Review	695
Feb.	13	Placed on Select File	719
Feb.	28	Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
Mar.	15	Final Reading 35-0-14	1139
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 78. By Day

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Judiciary	201
Jan.	12	Notice of hearing (1/20)	280

LEGISLATIVE BILL 79. By Day

Jan.	5	Read first time	125
Jan.	10	Referred to Committee on Judiciary	201
Jan.	12	Notice of hearing (1/20)	280
Jan.	27	Indefinitely postponed	517

LEGISLATIVE BILL 80. By Beutler

Jan.	5	Read first time	127
Jan.	10	Referred to Committee on Transportation	201
Jan.	12	Notice of hearing (1/24)	261
Jan.	25	Placed on General File	475
Jan.	27	Advanced for Review	508
Jan.	30	Placed on Select File	532
Feb.	6	Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading 41-0-8	753
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 81. By Cudaback, Dierks, Schellpeper, Avery, Wickersham

Jan.	5	Read first time	127
Jan.	10	Referred to Committee on Natural Resources	201
Jan.	11	Notice of hearing (1/18)	246

LEGISLATIVE BILL 82. By Cudaback, Dierks, Hartnett, Janssen, Pedersen, Schellpeper, Wickersham

Jan.	5	Read first time	128
Jan.	10	Referred to Committee on Transportation	201
Jan.	12	Notice of hearing (1/23)	261
Jan.	25	Placed on General File - Com AM0045	476
Jan.	27	Committee AM0045 adopted. Advanced for Review	508
Jan.	30	Placed on Select File	533
Feb.	6	Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading 43-0-6	754
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 83. By Cudaback, Bohlke, Hillman, Hudkins, Schimek

Jan.	5	Read first time	128
Jan.	10	Referred to Committee on Health and Human Services	201
Jan.	12	Notice of hearing (1/19)	279
Jan.	27	Placed on General File - Com AM0098 (printed separate)	518
Feb.	2	Committee AM0098 adopted. Advanced for Review	591
Feb.	9	Placed on Select File - AM7032	696
Feb.	28	AM7032 (E & R) adopted. Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 37-0-12	1133
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 83A. By Cudaback

Feb.	2	Read first time. Placed on General File	598
Feb.	10	Cudaback AM0340 adopted. Advanced for Review	704
Feb.	13	Placed on Select File	724
Feb.	28	Cudaback AM0430 to AM0340 adopted. Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 35-0-14	1134

Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 84. By Lindsay

Jan.	5	Read first time	128
Jan.	6	Will name add	161
Jan.	6	Brashear name added	162
Jan.	10	Referred to Committee on Judiciary	201
Jan.	11	Notice of hearing (1/18)	254
Jan.	23	Indefinitely postponed	454

(Provisions/portions of LB 84 amended into LB 19 by AM1193)

LEGISLATIVE BILL 85. By Wesely

Jan.	5	Read first time	128
Jan.	10	Referred to Committee on Agriculture	201
Jan.	17	Notice of hearing (1/24)	288
Mar.	1	Indefinitely postponed	950

LEGISLATIVE BILL 86. By Wesely

Jan.	5	Read first time	128
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	17	Notice of hearing (1/24)	304
Jan.	26	Placed on General File - Com AM0062	490
Jan.	27	Committee AM0062 adopted. Advanced for Review	515
Feb.	1	Placed on Select File	559
Feb.	6	Advanced for Engrossment	606
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading 45-0-4	911
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 87. By Crosby, Preister

Jan.	5	Read first time	128
Jan.	10	Referred to Committee on Agriculture	201
Jan.	20	Notice of hearing (1/31)	439
Feb.	6	Placed on General File	617
Mar.	16	Advanced for Review	1168
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed	1479
Apr.	19	Final Reading 40-0-9	1701
Apr.	19	Speaker signed	1705

Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 88. By Hillman, Schmitt

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Natural Resources	201
Feb.	28	Notice of hearing (3/10)	941
Mar.	14	Placed on General File	1097

(Provisions/portions of LB 88 amended into LB 871 by AM2241)

LEGISLATIVE BILL 89. By Hillman, Wehrbein

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Appropriations	201
Jan.	31	Notice of hearing (3/6)	552
Mar.	15	Speaker priority bill	1124
May	5	Placed on General File	2007
May	8	Advanced for Review	2029
May	9	Placed on Select File - AM7151	2059
May	10	AM7151 (E & R) adopted. Advanced for Engrossment	2106
May	16	Correctly Engrossed	2150
May	25	Final Reading 41-0-8	2568
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 89A. By Wehrbein

May	5	Read first time. Placed on General File	2007
May	8	Advanced for Review	2029
May	9	Placed on Select File	2059
May	10	Advanced for Engrossment	2106
May	16	Correctly Engrossed	2150
May	25	Final Reading 36-0-13	2569
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 90. By Bromm

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Judiciary	201
Jan.	11	Notice of hearing (1/18)	254
Jan.	23	Placed on General File - Com AM0009	454
Mar.	10	Lindsay AM0731 withdrawn. Lindsay FA78 to committee AM0009 adopted	1058
Mar.	10	Committee AM0009 adopted as amended.	

		Advanced for Review	1059
Mar.	15	Placed on Select File - AM7060	1122

LEGISLATIVE BILL 91. By Bromm

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Urban Affairs	201
Jan.	17	Notice of hearing (1/24)	304
Feb.	2	Placed on General File - Com AM0209	590

LEGISLATIVE BILL 92. By Bromm

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Transportation	201
Jan.	12	Notice of hearing (1/24)	261
Jan.	26	Placed on General File - Com AM0046	489
Jan.	27	Committee AM0046 adopted. Advanced for Review	513
Jan.	31	Placed on Select File	537
Feb.	6	Advanced for Engrossment	605
Feb.	8	Correctly Engrossed. ER9007 change	662
Feb.	27	Final Reading 39-1-9	912
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 93. By Bromm

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Urban Affairs	201
Jan.	17	Notice of hearing (1/24)	304
Jan.	27	Placed on General File	518
Feb.	2	Advanced for Review	591
Feb.	6	Placed on Select File - AM7028	625
Feb.	28	AM7028 (E & R) adopted. Bernard-Stevens motion to indefinitely postpone withdrawn. Advanced for Engrossment	929
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 38-0-11	1135
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 94. By Bromm

Jan.	5	Read first time	129
Jan.	10	Referred to Committee on Natural Resources	201
Jan.	18	Notice of hearing (1/26)	366
Jan.	31	Placed on General File	544
Feb.	8	Advanced for Review	662

Feb.	10	Placed on Select File	713
Feb.	28	Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	15	Final Reading 35-0-14	1140
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 95. By Bromm

Jan.	5	Read first time	130
Jan.	10	Referred to Committee on Revenue	201
Feb.	1	Notice of hearing (2/16)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 96. By Landis

Jan.	5	Read first time	130
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	12	Notice of hearing (1/23)	281
Jan.	25	Placed on General File	476
Jan.	27	Advanced for Review	513
Jan.	31	Placed on Select File	536
Jan.	31	Beutler-Landis AM0164 printed	553
Feb.	6	Beutler-Landis pending AM0164 p. 553 adopted. Landis FA21 withdrawn. Advanced for Engrossment	603
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading 43-1-5	913
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 97. By Landis

Jan.	5	Read first time	130
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	17	Notice of hearing (1/24)	304
Jan.	26	Placed on General File	490
Jan.	27	Advanced for Review	514
Feb.	1	Placed on Select File - AM7018	559
Feb.	6	AM7018 (E & R) adopted. Advanced for Engrossment	606
Feb.	8	Correctly Engrossed. ER9009 change	662
Mar.	10	Final Reading 40-0-9	1046
Mar.	10	Speaker signed	1059

Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 98. By Fisher

Jan.	5	Read first time	130
Jan.	10	Referred to Committee on Natural Resources	201
Feb.	28	Notice of hearing (3/15)	941

LEGISLATIVE BILL 99. By Wickersham, Bohlke, Bromm, Elmer, Hillman, Jones, Matzke, McKenzie, Schrock

Jan.	5	Read first time	130
Jan.	10	Referred to Committee on Natural Resources	201
Jan.	18	Notice of hearing (1/26)	366
Mar.	14	Wickersham priority bill	1089
Mar.	30	Wickersham AM1347 printed	1444
Mar.	30	Placed on General File - Com AM1188 (printed separate)	1446
Apr.	25	Wickersham AM1646 to committee AM1188 printed	1816
Apr.	25	Wickersham AM1816 to committee AM1188 printed	1838
Apr.	26	Committe AM1188 adopted. Wickersham request to substitute amendment prevailed. Wickersham pending AM1347 p. 1444 withdrawn. Wickersham substitute AM1348 adopted. Wickersham pending AM1646 p. 1816 and AM1816 p. 1838 adopted. Advanced for Review	1846
May	2	Placed on Select File - AM7135	1918
May	17	Wickersham AM2194 printed	2283
May	19	AM7135 (E & R) adopted. Wickersham pending AM2194 p. 2283 adopted. Advanced for Engrossment	2375
May	23	Correctly Engrossed. ER9088 change	2458
June	1	Final Reading 43-0-6	2704
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 100 amended into LB 99 by AM1348)

LEGISLATIVE BILL 100. By Wickersham, Elmer, Hillman, Matzke, Schrock

Jan.	5	Read first time	131
Jan.	10	Referred to Committee on Natural Resources	201
Jan.	18	Notice of hearing (1/26)	366
Mar.	27	Placed on General File	1334

(Provisions/portions of LB 100 amended into LB 99 by AM1348)

LEGISLATIVE BILL 101. By Dierks, Coordsen

Jan.	5	Read first time	131
Jan.	10	Referred to Committee on Transportation	201
Feb.	14	Notice of hearing (3/6)	745

LEGISLATIVE BILL 102. By Dierks, Preister, Schellpeper

Jan.	5	Read first time	131
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	17	Landis motion to rerefer to Banking, Commerce and Insurance Committee laid over	304
Jan.	24	Rereferred to Committee on Banking, Commerce and Insurance	456
Feb.	16	Notice of hearing (3/6)	775
Mar.	22	Indefinitely postponed	1259

LEGISLATIVE BILL 103. By Dierks, Preister, at the request of the Governor

Jan.	5	Read first time	131
Jan.	10	Referred to Committee on Natural Resources	201
Feb.	28	Notice of hearing (3/9)	941

LEGISLATIVE BILL 104. By Dierks, Preister

Jan.	5	Read first time	131
Jan.	10	Referred to Committee on Judiciary	201
Mar.	1	Notice of hearing (3/10)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 105. By Agriculture Committee

Jan.	6	Read first time	140
Jan.	10	Referred to Committee on Agriculture	201
Jan.	20	Notice of hearing (1/31)	439
Feb.	1	Placed on General File	560
Mar.	15	Preister AM0908 printed	1147

LEGISLATIVE BILL 105A. By Dierks

Feb.	28	Read first time. Placed on General File	940

LEGISLATIVE BILL 106. By Dierks, Jones, Schellpeper, Vrtiska

Jan.	6	Read first time	140
Jan.	10	Referred to Committee on Revenue	201

Feb.	1	Notice of hearing (2/16)	569
Mar.	14	Dierks priority bill	1099
Apr.	4	Placed on General File	1454
Apr.	26	Beutler FA169 pending	1848
Apr.	26	Beutler pending FA169 p. 1848 lost. Beutler FA170 pending	1854
Apr.	26	Beutler pending FA170 p. 1855 lost. Beutler FA171 and FA172 withdrawn. Hall FA173 pending	1857
May	2	Hall pending FA173 p. 1859 withdrawn. Beutler motion to indefinitely postpone lost. Chambers FA181 lost. Withem motion to reconsider FA181 withdrawn	1919
May	2	Withem FA182 withdrawn. Beutler FA183 lost. Advanced for Review	1929
May	4	Placed on Select File - AM7140	1978
May	19	AM7140 (E & R) adopted. Bracketed until 1/10/96	2382

LEGISLATIVE BILL 107. By Dierks, Jones, Schellpeper, Vrtiska

Jan.	6	Read first time	140
Jan.	10	Referred to Committee on Revenue	201
Feb.	2	Notice of hearing (2/22)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 108. By Natural Resources Committee

Jan.	6	Read first time	140
Jan.	10	Referred to Committee on Natural Resources	201
Feb.	14	Notice of hearing (2/23)	747

LEGISLATIVE BILL 109. By Kristensen, Landis

Jan.	6	Read first time	141
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	12	Notice of hearing (1/23)	281
Feb.	1	Placed on General File - Com AM0140	570
Mar.	16	Committee AM0140 adopted. Advanced for Review	1155
Mar.	21	Placed on Select File - AM7067	1193
Mar.	30	AM7067 (E & R) adopted. Advanced for Engrossment	1424
Apr.	4	Correctly Engrossed	1448
Apr.	4	ER9037 change	1449
Apr.	19	Final Reading 40-0-9	1696
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707

Apr.	25	Stuhr explanation of vote	1810
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 109A. By Kristensen

Mar.	16	Read first time. Placed on General File	1184
Mar.	28	Advanced for Review	1376
Mar.	28	Placed on Select File	1396
Mar.	30	Advanced for Engrossment	1431
Apr.	4	Correctly Engrossed	1448
Apr.	19	Final Reading w/E 41-0-8	1697
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 110. By Crosby

Jan.	6	Read first time	141
Jan.	10	Referred to Committee on Appropriations	201
Feb.	1	Notice of hearing (3/9)	561

LEGISLATIVE BILL 111. By Vrtiska, Crosby

Jan.	6	Read first time	141
Jan.	10	Referred to Committee on Transportation	201
Jan.	27	Notice of hearing (2/7)	509
Mar.	22	Indefinitely postponed	1244

LEGISLATIVE BILL 112. By Hillman, Robak

Jan.	6	Read first time	141
Jan.	10	Referred to Committee on Transportation	202
Jan.	12	Notice of hearing (1/24)	261
Feb.	2	Placed on General File - Com AM0007	592
Feb.	8	Bernard-Stevens name added	678
Mar.	16	Committee AM0007 adopted. Advanced for Review	1167
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1426
Apr.	4	Correctly Engrossed	1448
Apr.	7	Final Reading 38-0-11	1547
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631

LEGISLATIVE BILL 113. By Crosby, Bromm, Brown, Vrtiska

Jan.	6	Read first time	142
Jan.	10	Referred to Committee on Judiciary	202

Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 114. By Coordsen, Avery

Jan.	6	Read first time	146
Jan.	11	Referred to Committee on Natural Resources	232
Jan.	12	Notice of hearing (1/19)	280

LEGISLATIVE BILL 115. By Maurstad

Jan.	6	Read first time	146
Jan.	6	McKenzie and Coordsen names added	162
Jan.	11	Referred to Committee on Revenue	232
Jan.	19	Cudaback name added	430
Feb.	2	Notice of hearing (2/23)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 116. By Bernard-Stevens

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Appropriations	232
Feb.	1	Notice of hearing (3/14)	561

LEGISLATIVE BILL 117. By Withem

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	19	Notice of hearing (1/26)	430
Feb.	22	Indefinitely postponed	826

LEGISLATIVE BILL 118. By Withem

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Revenue	232
Jan.	19	Notice of hearing (1/26)	429
Feb.	21	Placed on General File - Com AM0466	794
Apr.	25	Committee AM0466 adopted. Advanced for Review	1811
Apr.	25	Placed on Select File - AM7126	1819
Apr.	27	AM7126 (E & R) adopted. Advanced for Engrossment	1866
May	2	Correctly Engrossed	1922
May	10	Final Reading w/E 38-2-9	2095
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2159

LEGISLATIVE BILL 119. By Withem

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	232
Jan.	12	Notice of hearing (1/23)	281
Jan.	30	Placed on General File - Com AM0037	526
Feb.	2	Committee AM0037 adopted. Advanced for Review	591
Feb.	9	Placed on Select File	698
Feb.	28	Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 39-0-10	1136
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 120. By Preister, Avery, Bohlke, Bromm, Dierks, Fisher, Hartnett, Hillman, Landis

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Natural Resources	232
Feb.	21	Attorney General's Opinion #95012 to Preister	787
Feb.	22	Notice of hearing (3/2)	830
Mar.	9	Natural Resources Committee priority bill	1030
Apr.	5	Placed on General File - Com AM1394	1489
Apr.	13	Committee AM1394 adopted as amended by McKenzie AM1651	1656
Apr.	24	Preister AM1699 printed	1799
Apr.	25	Preister pending AM1699 p. 1799 adopted. Advanced for Review	1810
Apr.	25	Placed on Select File - AM7125	1818
Apr.	27	AM7125 (E & R) adopted. Advanced for Engrossment	1866
May	2	Correctly Engrossed	1922
May	10	Final Reading 33-8-8	2096
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 121. By Preister, Dierks, Robinson, Vrtiska

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Health and Human Services	232
Jan.	18	Notice of hearing (1/27)	366
Jan.	31	Placed on General File - Com AM0149	549
Feb.	9	Schimek FA34 printed	700
Feb.	10	Committee AM0149 adopted. Schimek	

		pending FA34 p. 700 pending	711
Feb.	13	Schimek pending FA34 p. 700 and Beutler AM0378 lost. Beutler AM0379 pending	721
Feb.	14	Beutler pending AM0379 p. 722 withdrawn. Chambers FA36 and Bohlke AM0387 lost	733
Feb.	14	Bernard-Stevens FA37 lost. Failed to advance for Review	734

LEGISLATIVE BILL 122. By Matzke

Jan.	6	Read first time	147
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	18	Notice of hearing (1/25)	366
Jan.	27	Placed on General File	514
Jan.	31	Advanced for Review	547
Feb.	2	Placed on Select File - AM7020	573
Feb.	6	AM7020 (E & R) adopted. Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading 44-0-5	914
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 123. By Matzke

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Education	232
Jan.	12	Notice of hearing (1/24)	281
Feb.	2	Placed on General File - Com AM0192	582
Mar.	16	Committee AM0192 adopted. Advanced for Review	1155
Mar.	21	Placed on Select File	1197
Mar.	29	Vrtiska AM1349 printed	1405
Mar.	30	Vrtiska pending AM1349 p. 1405 adopted. Advanced for Engrossment	1424
Apr.	4	Correctly Engrossed	1448
Apr.	4	ER9029 change	1449
Apr.	4	Vrtiska name added	1477
Apr.	19	Final Reading w/E 43-0-6	1698
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Stuhr explanation of vote	1810
Apr.	25	Approved by Governor (4/24)	1830

(Provisions/portions of LB 785 amended into LB 123 by AM1349)

LEGISLATIVE BILL 124. By Hillman

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	18	Notice of hearing (1/25)	366
Jan.	27	Placed on General File	514
Jan.	31	Advanced for Review	548
Feb.	2	Placed on Select File	574
Feb.	6	Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Feb.	27	Final Reading 43-0-6	914
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 125. By Kristensen

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Judiciary	232
Jan.	12	Notice of hearing (1/20)	281
Jan.	27	Indefinitely postponed	518

LEGISLATIVE BILL 126. By Hudkins, Kristensen

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Judiciary	232
Jan.	26	Notice of hearing (2/2)	504
Feb.	14	Placed on General File	746

LEGISLATIVE BILL 127. By Hudkins

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Judiciary	232
Jan.	12	Notice of hearing (1/20)	281
Jan.	23	Placed on General File	453
Jan.	24	Advanced for Review	463
Jan.	26	Placed on Select File	489
Jan.	30	Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading 43-0-6	655
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 128. By Hudkins

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Judiciary	232
Feb.	1	Notice of hearing (2/8)	569
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 129. By Hudkins

Jan.	6	Read first time	148
Jan.	11	Referred to Committee on Judiciary	232
Mar.	7	Notice of hearing (3/16)	1001

LEGISLATIVE BILL 130. By Wickersham

Jan.	6	Read first time	149
Jan.	11	Referred to Committee on Nebraska Retirement Systems	232
Jan.	18	Pedersen name added	367
Jan.	26	Notice of hearing (2/2)	493
Feb.	13	Placed on General File	719

LEGISLATIVE BILL 130A. By Wickersham

Mar.	6	Read first time. Placed on General File	984

LEGISLATIVE BILL 131. By Lynch

Jan.	6	Read first time	149
Jan.	11	Referred to Committee on Nebraska Retirement Systems	232
Jan.	20	Notice of hearing (1/27)	439

LEGISLATIVE BILL 132. By Robak, Crosby, Hillman

Jan.	6	Read first time	149
Jan.	11	Referred to Committee on Transportation	232
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Placed on General File	877

LEGISLATIVE BILL 133. By Revenue Committee

Jan.	6	Read first time	149
Jan.	11	Referred to Committee on Revenue	232
Jan.	11	Notice of hearing (1/18)	246
Jan.	20	Placed on General File	438
Jan.	23	Advanced for Review	452
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	502
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading w/E 44-0-5	649
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 134. By Revenue Committee

Jan.	6	Read first time	149
Jan.	11	Referred to Committee on Revenue	232
Jan.	11	Notice of hearing (1/18)	246
Jan.	20	Placed on General File	438
Jan.	23	Advanced for Review	453
Jan.	25	Placed on Select File	480
Jan.	26	Warner AM0070 adopted. Advanced for Engrossment	502
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading 44-0-5	650
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 135. By Revenue Committee

Jan.	6	Read first time	150
Jan.	11	Referred to Committee on Revenue	232
Jan.	11	Notice of hearing (1/18)	246
Jan.	20	Placed on General File	438
Jan.	23	Advanced for Review	453
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	503
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading w/E 44-0-5	650
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 136. By Revenue Committee

Jan.	6	Read first time	150
Jan.	11	Referred to Committee on Revenue	232
Jan.	11	Notice of hearing (1/18)	246
Jan.	30	Placed on General File	529
Feb.	2	Coordsen AM0217 adopted. Advanced for Review	592
Feb.	9	Placed on Select File	698
Feb.	13	Warner AM0381 printed	719
Feb.	28	Warner pending AM0381 p. 719 withdrawn. Failed to advance for Engrossment	930
Feb.	28	Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	982
May	16	Attorney General's Opinion #95038 to Jensen	2163
May	30	Warner motion to return to Select File for FA333 withdrawn	2634
May	30	Final Reading 25-16-8	2638
May	30	Speaker signed	2648

May	31	Presented to Governor (5/30)	2652
June	8	Returned by Governor without approval (6/2)	2751
June	8	Warner motion to override veto failed 26-19-4	2766

LEGISLATIVE BILL 136A. By Warner

Feb.	2	Read first time. Placed on General File	598
Mar.	2	Advanced for Review	955
Mar.	6	Placed on Select File	971
Mar.	22	Advanced for Engrossment	1217
Mar.	22	Correctly Engrossed	1235
May	30	Final Reading 29-11-9	2638
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	8	Returned by Governor without approval (6/2)	2751

LEGISLATIVE BILL 137. By Revenue Committee

Jan.	6	Read first time	150
Jan.	11	Referred to Committee on Revenue	232
Jan.	11	Notice of hearing (1/18)	246
Jan.	26	Placed on General File - Com AM0017	503
Jan.	31	Committee AM0017 adopted. Advanced for Review	547
Feb.	2	Placed on Select File - AM7019	573
Feb.	6	AM7019 (E & R) adopted. Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Feb.	27	Witek motion to return to Select File for AM0663 pending	915
Feb.	27	Witek pending motion p. 915 lost. Hall motion to return to Select File for FA72 withdrawn	916
Feb.	27	Failed on Final Reading w/E 31-5-13. Final Reading 39-4-6	917
Feb.	28	Correctly Enrolled. President signed	928
Feb.	28	Presented to Governor (2/28)	939
Feb.	28	Approved by Governor (2/28)	940

LEGISLATIVE BILL 138. By Crosby, Hudkins, Schimek, Wesely

Jan.	6	Read first time	150
Jan.	11	Referred to Committee on Judiciary	232
Jan.	25	Notice of hearing (2/1)	482
Feb.	2	Indefinitely postponed	594

(Provisions/portions of LB 138 amended into LB 19 by AM1193)

LEGISLATIVE BILL 139. By Coordsen, Cudaback, Dierks, Jones, McKenzie, Schmitt, Vrtiska

Jan.	6	Read first time	150
Jan.	11	Referred to Committee on Revenue	232
Feb.	2	Notice of hearing (2/24)	586

LEGISLATIVE BILL 140. By Preister

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Urban Affairs	232
Feb.	7	Notice of hearing (2/28)	630
Mar.	9	Placed on General File - Com AM0857	1036
Apr.	13	Committee AM0857 adopted. Advanced for Review	1667
Apr.	19	Placed on Select File	1732
May	4	Preister AM1995 printed	1996
May	9	Preister pending AM1995 p. 1996 adopted. Advanced for Engrossment	2038
May	10	Correctly Engrossed	2122
May	17	Final Reading 38-0-11	2234
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 141. By Preister, Pedersen

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Judiciary	232
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 142. By Beutler

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Education	232
Jan.	11	Notice of hearing (1/23)	246
Apr.	21	Placed on General File - Com AM1681	1787

LEGISLATIVE BILL 143. By Beutler

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Natural Resources	232
Jan.	12	Notice of hearing (1/20)	280

LEGISLATIVE BILL 144. By Vrtiska, Avery, Bernard-Stevens, Bohlke, Bromm, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jones, Kristensen, Matzke, McKenzie, Robak, Robinson, Schellpeper, Schimek, Schmitt, Stuhr, Wesely, Wickersham, Withem, at the request of the Governor

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	232
Jan.	17	Notice of hearing (1/24)	304
Jan.	26	Placed on General File - Com AM0063	490
Jan.	27	Committee AM0063 adopted	515
Jan.	30	Advanced for Review	525
Feb.	1	Placed on Select File - AM7016	559
Feb.	1	Bernard-Stevens AM0127 printed	562
Feb.	2	Bernard-Stevens AM0205, AM0207, AM0206, and AM0202 printed	588
Feb.	6	AM7016 (E & R) adopted. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM0127 p. 562 withdrawn. Bernard-Stevens-Vrtiska-Maurstad substitute AM0246 adopted. Bernard-Stevens pending AM0205, AM0207, AM0206, and AM0202 p. 588 withdrawn. Maurstad FA22 lost	606
Feb.	6	Maurstad AM0264 withdrawn. Beutler FA23 adopted as amended by Vrtiska FA24. Advanced for Engrossment	618
Feb.	8	Correctly Engrossed	662
Feb.	8	ER9005 change	663
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading 44-2-3	2783
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 144A. By Vrtiska

Feb.	2	Read first time. Placed on General File	598
Feb.	10	Vrtiska AM0225 adopted. Advanced for Review	705
Feb.	13	Placed on Select File	724
Feb.	28	Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading 45-2-2	2784
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 145. By McKenzie, Bohlke, Day, Jones, Robak, Stuhr

Jan.	6	Read first time	151
Jan.	11	Referred to Committee on Natural Resources	232
Jan.	11	Notice of hearing (1/18)	246
Feb.	8	Placed on General File - Com AM0176	665
Mar.	16	Committee AM0176 adopted as amended by McKenzie AM1018. Advanced for Review	1171
Mar.	21	Placed on Select File - AM7070	1199
Mar.	30	AM7070 (E & R) adopted. Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	19	Final Reading 42-0-7	1702
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Stuhr explanation of vote	1810
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 146. By McKenzie, Day

Jan.	6	Read first time	152
Jan.	10	Pedersen name added	229
Jan.	11	Referred to Committee on Transportation	232
Feb.	2	Notice of hearing (2/13)	597
Feb.	24	Placed on General File - Com AM0290	877
Apr.	13	Committee AM0290 adopted. Advanced for Review	1663
Apr.	19	Placed on Select File	1711
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	4	Final Reading 35-0-14	1970
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 146A. By McKenzie

Feb.	28	Read first time. Placed on General File	940
Apr.	13	Advanced for Review	1664
Apr.	19	Placed on Select File	1711
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	4	Final Reading 36-0-13	1970
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 147. By McKenzie, Lynch, Robak

Jan.	6	Read first time	152
Jan.	11	Referred to Committee on Natural Resources	232
Jan.	12	Notice of hearing (1/20)	280

Jan.	31	Placed on General File	544
Feb.	9	Advanced for Review	694
Feb.	13	Placed on Select File	718
Feb.	28	Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
Mar.	15	Final Reading 35-0-14	1140
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 148. By Lynch, Bohlke, Janssen

Jan.	6	Read first time	152
Jan.	11	Referred to Committee on Education	232
Jan.	12	Notice of hearing (1/24)	281
Mar.	6	Placed on General File - Com AM0744	972

LEGISLATIVE BILL 148A. By Lynch

Apr.	5	Read first time. Placed on General File	1498

LEGISLATIVE BILL 149. By Lynch, Bohlke, Coordsen, Crosby, Hartnett, Hudkins, Robak

Jan.	6	Read first time	152
Jan.	11	Referred to Committee on Education	232
Jan.	23	Notice of hearing (1/31)	446
Feb.	8	Stuhr name added	678

LEGISLATIVE BILL 150. By Crosby, Hudkins, Jones, Preister, Vrtiska, Wehrbein

Jan.	6	Read first time	152
Jan.	11	Referred to Committee on Transportation	232
Jan.	27	Notice of hearing (2/7)	509

LEGISLATIVE BILL 151. By Hudkins, Crosby, Vrtiska

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Transportation	232
Jan.	27	Notice of hearing (2/7)	509

LEGISLATIVE BILL 152. By Schimek

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Revenue	232
Jan.	12	Notice of hearing (1/20)	281
Jan.	23	Placed on General File	450
Jan.	24	Advanced for Review	461

Jan.	25	Placed on Select File	482
Jan.	30	Advanced for Engrossment	528
Feb.	1	Correctly Engrossed	555
Feb.	9	Final Reading w/E 41-2-6	688
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 153. By Schimek

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Revenue	232
Jan.	12	Notice of hearing (1/20)	281
Jan.	23	Indefinitely postponed	452

(Provisions/portions of LB 153 amended into LB 202 by AM0032)

LEGISLATIVE BILL 154. By Schimek

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	19	Notice of hearing (1/27)	430
Feb.	6	Placed on General File - Com AM0091	608
Mar.	16	Committee AM0091 adopted. Advanced for Review	1167
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1426
Apr.	4	Correctly Engrossed	1448
Apr.	7	Final Reading 40-0-9	1548
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631

LEGISLATIVE BILL 155. By Schmitt

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Transportation	232
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Indefinitely postponed	883

(Provisions/portions of LB 155 amended into LB 322 by AM0579)

LEGISLATIVE BILL 156. By Cudaback

Jan.	6	Read first time	153
Jan.	11	Referred to Committee on Urban Affairs	232
Feb.	7	Notice of hearing (2/28)	630
Mar.	9	Placed on General File	1036

LEGISLATIVE BILL 157. By Cudaback, Bromm, Jones, Robinson, Schrock, Vrtiska

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Transportation	232
Jan.	18	Stuhr name added	367
Jan.	20	Notice of hearing (1/30)	440
Feb.	24	Placed on General File - Com AM0585	880

LEGISLATIVE BILL 158. By Bromm

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Judiciary	232
Jan.	19	Notice of hearing (1/26)	430
Jan.	30	Placed on General File - Com AM0111	531
Feb.	7	Committee AM0111 adopted. Advanced for Review	631
Feb.	8	Abboud name added	678
Feb.	10	Placed on Select File - AM7034	707
Feb.	28	AM7034 (E & R) adopted. Advanced for Engrossment	932
Mar.	6	Correctly Engrossed	968
Mar.	15	Final Reading w/E 34-0-15	1141
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 159. By Hartnett, Bernard-Stevens, Bromm, Crosby, Hall, Lindsay, Lynch, Preister, Will, Withem

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Education	232
Jan.	11	Notice of hearing (1/23)	246
Jan.	24	Placed on General File	461
Jan.	25	Advanced for Review	481
Jan.	27	Placed on Select File	514
Jan.	30	Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading 40-2-7	655
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 160. By Schmitt, Dierks, Jones, Robak

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Natural Resources	232
Jan.	18	Notice of hearing (1/26)	366
Feb.	22	Indefinitely postponed	830

LEGISLATIVE BILL 161. By McKenzie, Day

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Judiciary	232
Jan.	12	Notice of hearing (1/19)	280
Jan.	23	Placed on General File - Com AM0029	454
Jan.	25	Committee AM0029 adopted. Advanced for Review	481
Jan.	27	Placed on Select File	514
Jan.	30	Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	8	Final Reading 45-0-4	656
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 162. By Landis

Jan.	6	Read first time	154
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	17	Notice of hearing (1/24)	304
Jan.	26	Placed on General File	490
Jan.	27	Advanced for Review	515
Feb.	1	Placed on Select File	559
Feb.	6	Advanced for Engrossment	606
Feb.	8	Correctly Engrossed	662
May	30	Final Reading 43-0-6	2639
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 163. By Landis, Lynch

Jan.	6	Read first time	155
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	12	Notice of hearing (1/23)	281
Jan.	25	Placed on General File - Com AM0021	476
Jan.	27	Committee AM0021 adopted. Advanced for Review	513
Jan.	31	Placed on Select File - AM7015	536
Feb.	6	AM7015 (E & R) adopted. Beutler AM0258 adopted. Lynch AM0241 lost. Advanced for Engrossment	604
Feb.	8	Correctly Engrossed	662
Mar.	10	Final Reading 40-0-9	1047
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 164. By Will

Jan.	6	Read first time	155
Jan.	11	Referred to Committee on Judiciary	233
Feb.	22	Notice of hearing (3/2)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 165. By Bohlke, Vrtiska

Jan.	6	Read first time	155
Jan.	6	Bernard-Stevens name added	161
Jan.	11	Referred to Committee on Judiciary	233
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 166. By Withem, Avery, Bernard-Stevens, Bromm, Preister, Robinson, Schmitt

Jan.	6	Read first time	155
Jan.	9	Vrtiska name added	198
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	19	Notice of hearing (1/26)	430
Jan.	20	Hartnett name added	445
Feb.	6	Placed on General File - Com AM0139	609
Mar.	2	Bromm name withdrawn	966
Mar.	7	Vrtiska name withdrawn	1016

LEGISLATIVE BILL 167. By Jones

Jan.	6	Read first time	155
Jan.	11	Referred to Committee on Revenue	233
Jan.	12	Notice of hearing (1/19)	281
Jan.	23	Placed on General File - Com AM0019	451
Jan.	24	Committee AM0019 adopted. Advanced for Review	462
Jan.	26	Placed on Select File	489
Jan.	27	Jones AM0109 printed	519
Jan.	30	Warner AM0075 printed	527
Feb.	6	Jones pending AM0109 p. 519 withdrawn. Warner pending AM0075 p. 527 and Jones AM0073 adopted. Advanced for Engrossment	602
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading 44-0-5	754
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 168. By Jones, Bromm, Coordsen, Cudaback, Day, Dierks, Hudkins, Jensen, McKenzie, Schrock, Vrtiska, Wehrbein

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	31	Notice of hearing (2/8)	539
Mar.	6	Jones priority bill	983
Mar.	7	Placed on General File - Com AM0283	997
Mar.	16	Bromm AM0981 to committee AM0283 printed	1177
Mar.	21	Committee AM0283, as amended by Bromm	
.SX			.
Mar.	21	Bernard-Stevens FA80 lost	1192
Mar.	23	Bracketed until 3/27/95	1271
Mar.	27	Committee AM0283 adopted as amended. Jones-Wickersham AM1246 pending as amended by Lindsay FA94	1335
Mar.	28	Withem request to substitute amendment prevailed. Withem AM1302 withdrawn. Jones-Wickersham pending AM1246 p. 1335 adopted as amended by Withem substitute AM1315 and Chambers FA98. Beutler FA99 lost. Bernard-Stevens motion to indefinitely postpone lost	1387
Mar.	28	Lindsay FA100 printed	1390
Mar.	28	Lindsay FA101 printed	1391
Mar.	29	Chambers FA102 and FA103 lost. Chambers FA104 pending. Jones request to bracket until 4/5/95. Chambers objected. Jones motion to bracket until 4/5/95 pending. Chambers FA105 (to bracket until 6/15/95) to Jones motion pending	1398
Apr.	4	Beutler AM1419 to AM1246 printed	1474
Apr.	5	Chambers pending FA105 p. 1401 lost. Jones motion to invoke cloture prevailed. Jones pending motion p. 1401 to bracket lost. Advanced for Review	1482
Apr.	10	Placed on Select File - AM7105	1583
Apr.	11	Corrected E & R AM7105 printed	1609
May	2	Withem AM1903 printed	1916
May	3	Withem-Chambers AM1966 printed	1964
May	4	Jones AM1976 printed	1975
May	4	AM7105 (E & R) p. 1609 adopted. Chambers FA191 lost. Chambers FA192 to FA104 pending. Bromm motion to bracket until 1/10/96 prevailed	1976

LEGISLATIVE BILL 169. By Jones, Dierks

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Agriculture	233
Jan.	17	Notice of hearing (1/24)	288

Jan.	25	Placed on General File - Com AM0038	475
Jan.	26	Committee AM0038 adopted. Advanced for Review	503
Jan.	30	Placed on Select File - AM7013	522
Feb.	6	AM7013 (E & R) adopted. Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading w/E 45-0-4	755
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 170. By Jones, Dierks, Robak, Schmitt, Wickersham

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Revenue	233
Feb.	27	Notice of hearing (3/16)	918

LEGISLATIVE BILL 171. By Bernard-Stevens

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Education	233
Jan.	11	Notice of hearing (1/23)	246
Feb.	2	Indefinitely postponed	582

LEGISLATIVE BILL 172. By Wesely

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Judiciary	233
Jan.	20	Rereferred to Committee on Health and Human Services	432
Feb.	1	Notice of hearing (2/8)	568
Feb.	14	Placed on General File	729
Mar.	9	Jensen priority bill	1038
Mar.	23	Advanced for Review	1274
Mar.	24	Jensen name added	1311
Mar.	24	Placed on Select File	1316
Mar.	27	Matzke AM1234 printed	1331
Apr.	27	Chambers motion to indefinitely postpone laid over	1880
May	3	Chambers pending motion p. 1880 withdrawn. Matzke pending AM1234 p. 1331 and Lindsay AM1965 adopted. Advanced for Engrossment	1951
May	10	Correctly Engrossed	2088
May	30	Final Reading 38-5-6	2640
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 173. By Wesely

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Health and Human Services	233
Jan.	12	Notice of hearing (1/19)	280
Jan.	20	Placed on General File - Com AM0024	437
Jan.	23	Committee AM0024 adopted. Advanced for Review	452
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	502
Jan.	27	Correctly Engrossed	518
Mar.	15	Final Reading 37-0-12	1132
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 173A. By Wesely

Jan.	26	Read first time. Placed on General File	504
Feb.	2	Advanced for Review	575
Feb.	2	Placed on Select File - AM7027	595
Feb.	6	AM7027 (E & R) adopted. Advanced for Engrossment	621
Feb.	8	Correctly Engrossed	662
Mar.	15	Final Reading 38-0-11	1132
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 174. By Wesely

Jan.	6	Read first time	156
Jan.	11	Referred to Committee on Health and Human Services	233
Jan.	24	Notice of hearing (2/1)	466
Feb.	2	Placed on General File	594

LEGISLATIVE BILL 174A. By Wesely

Feb.	13	Read first time. Placed on General File	726

LEGISLATIVE BILL 175. By Wesely

Jan.	6	Read first time	157
Jan.	11	Referred to Committee on Judiciary	233
Jan.	11	Notice of hearing (1/18)	254
Jan.	23	Placed on General File - Com AM0012	454
Jan.	25	Committee AM0012 adopted. Advanced for Review	481

Jan.	27	Placed on Select File - AM7011	514
Feb.	6	AM7011 (E & R) adopted. Advanced for Engrossment	602
Feb.	7	Correctly Engrossed	633
Mar.	24	Returned to Select File for Lindsay-Wesely amendment. Lindsay-Wesely AM0446 adopted. Advanced for Reengrossment	1294
Mar.	27	Correctly Reengrossed	1347
Apr.	7	Final Reading 42-0-7	1543
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631

(Provisions/portions of LB 472 amended into LB 175 by AM0446)

LEGISLATIVE BILL 176. By Beutler

Jan.	6	Read first time	157
Jan.	11	Referred to Committee on Natural Resources	233
Jan.	12	Notice of hearing (1/19)	280

LEGISLATIVE BILL 177. By Hudkins, Bromm, Coordsen, Jones

Jan.	6	Read first time	162
Jan.	11	Referred to Committee on Judiciary	233
Jan.	11	Stuhr name added	255
Jan.	20	Notice of hearing (1/27)	439
Jan.	30	Indefinitely postponed	532

(Provisions/portions of LB 177 amended into LB 222 by AM0350)

LEGISLATIVE BILL 178. By Abboud, Landis

Jan.	9	Read first time	169
Jan.	12	Referred to Committee on Banking, Commerce and Insurance	257
Feb.	6	Notice of hearing (2/14)	617
Feb.	23	Placed on General File - Com AM0410	853
Mar.	6	Abboud priority bill	975
Mar.	8	Committee AM0410 adopted. Advanced for Review	1020
Mar.	10	Placed on Select File - AM7053	1057
Mar.	22	AM7053 (E & R) adopted. Advanced for Engrossment	1226
Mar.	24	Correctly Engrossed	1283
Apr.	19	Final Reading 39-0-10	1694
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 178A. By Abboud

Mar.	22	Read first time. Placed on General File	1224
Apr.	4	Advanced for Review	1454
Apr.	7	Placed on Select File	1538
Apr.	11	Advanced for Engrossment	1606
Apr.	11	Correctly Engrossed	1614
Apr.	19	Final Reading 40-0-9	1695
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 179. By Vrtiska

Jan.	9	Read first time	169
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Jan.	18	Notice of hearing (1/25)	366
Jan.	27	Placed on General File	514
Jan.	31	Pending	548
Feb.	1	Advanced for Review	556
Feb.	2	Placed on Select File	575
Feb.	6	Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Feb.	10	Maurstad AM0196 printed	713
Mar.	24	Returned to Select File for Maurstad amendment. Maurstad pending AM0196 p. 713 adopted. Advanced for Reengrossment	1296
Mar.	27	Correctly Reengrossed. ER9023 change	1347
Apr.	7	Final Reading 41-0-8	1544
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631

LEGISLATIVE BILL 180. By Warner

Jan.	9	Read first time	169
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Feb.	23	Notice of hearing (3/10)	851
Mar.	16	Placed on General File	1154

(Provisions/portions of LB 180 amended into LB 519 by AM2512)

LEGISLATIVE BILL 181. By Warner

Jan.	9	Read first time	170
Jan.	12	Referred to Committee on Natural Resources	257
Feb.	28	Notice of hearing (3/8)	941
Mar.	13	Placed on General File	1073

(Provisions/portions of LB 181 amended into LB 42 by AM1370)

LEGISLATIVE BILL 182. By Warner

Jan.	9	Read first time	170
Jan.	12	Referred to Committee on Revenue	257
Jan.	18	Notice of hearing (1/25)	365
Jan.	30	Placed on General File - Com AM0095 (printed separate)	529
Feb.	7	Committee AM0095 adopted. Advanced for Review	628
Feb.	10	Placed on Select File - AM7038	706
Feb.	14	Warner AM0386 printed	747
Feb.	28	AM7038 (E & R) adopted. Warner pending AM0386 p. 747 adopted. Warner motion to suspend rules to permit consideration of AM0691 prevailed. Warner AM0691 adopted. Advanced for Engrossment	930
Mar.	6	Correctly Engrossed. ER9017 change	968
Mar.	24	Final Reading w/E 35-0-14	1309
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

(Provisions/portions of LB 183 amended into LB 182 by AM0095)
(Provisions/portions of LB 184 amended into LB 182 by AM0095)

LEGISLATIVE BILL 182A. By Warner

Feb.	10	Read first time. Placed on General File	712
Mar.	2	Advanced for Review	956
Mar.	6	Placed on Select File	972
Mar.	22	Advanced for Engrossment	1217
Mar.	22	Correctly Engrossed	1235
Mar.	24	Warner motion to suspend rules prevailed	1309
Mar.	24	Final Reading w/E 35-0-14	1310
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Apr.	4	Approved by Governor (3/30)	1450

LEGISLATIVE BILL 183. By Warner

Jan.	9	Read first time	170
Jan.	12	Referred to Committee on Revenue	257
Jan.	18	Notice of hearing (1/25)	365

(Provisions/portions of LB 183 amended into LB 182 by AM0095)

LEGISLATIVE BILL 184. By Warner

Jan.	9	Read first time	170
Jan.	12	Referred to Committee on Revenue	257
Jan.	18	Notice of hearing (1/25)	365
May	11	Indefinitely postponed	2137

(Provisions/portions of LB 184 amended into LB 182 by AM0095)

LEGISLATIVE BILL 185. By Fisher, Matzke, Robinson, Schmitt

Jan.	9	Read first time	170
Jan.	12	Referred to Committee on Transportation	257
Jan.	18	Brown name added	367
Feb.	2	Notice of hearing (2/27)	598
Mar.	2	Indefinitely postponed	959

LEGISLATIVE BILL 186. By Fisher, Robinson

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Transportation	257
Jan.	12	Notice of hearing (1/24)	261
Jan.	25	Placed on General File	475
Jan.	27	Advanced for Review	508
Jan.	30	Placed on Select File	532
Feb.	6	Advanced for Engrossment	603
Feb.	7	Correctly Engrossed	633
Feb.	15	Final Reading 44-0-5	756
Feb.	15	Speaker signed	760
Feb.	15	Presented to Governor (2/15)	767
Feb.	21	Approved by Governor (2/21)	808

LEGISLATIVE BILL 187. By Bohlke

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Education	257
Jan.	30	Notice of hearing (2/6)	523
Feb.	13	Placed on General File	723
Mar.	30	Advanced for Review	1437
Apr.	6	Placed on Select File	1523
Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading w/E 38-0-11	1769
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 188. By Withem

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Judiciary	257

Feb.	15	Notice of hearing (2/22)	768
Feb.	24	Indefinitely postponed	877

LEGISLATIVE BILL 189. By Withem, Hartnett, Pedersen, Preister

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Judiciary	257
Jan.	25	Notice of hearing (2/1)	482
Feb.	6	Placed on General File - Com AM0215	623
Mar.	9	Crosby priority bill	1037
Mar.	14	Committee AM0215 adopted	1117
Mar.	14	Beutler AM0937 printed	1119
Mar.	23	Beutler pending AM0937 p. 1119 withdrawn. Advanced for Review	1274
Mar.	24	Placed on Select File - AM7076	1316
Apr.	5	Lindsay-Pedersen-Hartnett-Avery-Withem-Hall-Will-Beutler AM1431 printed	1493
Apr.	5	Lindsay-Hartnett-Avery-Withem-Hall-Pedersen-Will-Beutler AM1437 printed	1495
Apr.	5	Lindsay-Hartnett-Avery-Withem-Hall-Pedersen-Will-Beutler AM1436 printed	1496
Apr.	6	Lindsay-Withem-Wehrbein-Brashear AM1478 printed	1524
May	8	Withem AM2042 printed	2021
May	8	Wickersham AM1549 printed	2022
May	8	Lindsay-Withem-Landis-Avery-Hartnett-Hall AM2050 printed	2023
May	9	Withem-Lindsay AM2098 printed	2073
May	9	Withem-Lindsay AM2103 printed	2075
May	9	Withem-Lindsay-Beutler AM2108 printed	2076
May	9	Brashear-Wickersham AM2119 printed	2083
May	10	Passed over	2123
May	16	AM7076 (E & R) adopted. Lindsay et al pending AM1431 p 1493, AM1437 p. 1495, and AM1436 p. 1496, Lindsay et al pending AM1478 p. 1524, Withem pending AM2042 p. 2021, Wickersham pending AM1549 p. 2022, Lindsay et al pending 2050 p. 2023, Lindsay-Withem pending AM2098 p. 2073 and AM2103 p. 2075, Withem et al pending AM2108 p. 2076, Brashear-Wickersham pending AM2119 p. 2083, and Withem FA222 withdrawn	2171
May	16	Avery AM2225 lost. Lindsay AM2234 pending. Beutler AM2246 lost	2177
May	16	Lindsay pending AM2234 p. 2182 adopted as amended by Lindsay-Wickersham FA223. Beutler AM2230 (on file) withdrawn. Beutler	

		FA224 lost. Advanced for Engrossment	2208
May	18	Correctly Engrossed. ER9083 change	2333
May	30	Chambers FA334, FA335, FA336, FA337, FA338, FA339, and FA340 printed	2650
May	31	Chambers motion to return to Select File for FA334 p. 2650 withdrawn. Chambers motion to return to Select File for FA348 lost. Chambers pending FA335 p. 2650 withdrawn. Chambers motion to return to Select File for FA336 p. 2650 lost. Returned to Select File for Chambers amendment. Chambers pending FA337 p. 2650 adopted. Advanced for Reengrossment	2668
May	31	Chambers pending FA338 p. 2650 withdrawn. Returned to Select File for Chambers amendment. Chambers pending FA339 p. 2650 adopted. Advanced for Reengrossment. Expedited. Chambers pending FA340 p. 2650 withdrawn	2670
May	31	Correctly Reengrossed	2676
May	31	ER9107 change	2677
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 37-10-2	2772
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

(Provisions/portions of LB 189 amended into LB 19 by AM1193)
(Provisions/portions of LB 520 amended into LB 189 by AM2234)
(Provisions/portions of LB 697 amended into LB 189 by AM2234)
(Provisions/portions of LB 721 amended into LB 189 by AM2234)

LEGISLATIVE BILL 189A. By Crosby

Mar.	28	Read first time. Placed on General File	1397
Apr.	4	Advanced for Review	1453
Apr.	7	Placed on Select File	1538
May	18	Withem AM2338 printed	2353
May	18	Lindsay-Withem AM2350 printed	2354
May	19	Withem pending AM2338 p. 2353 adopted as amended by Lindsay-Withem pending AM2350 p. 2354. Advanced for Engrossment	2369
May	22	Correctly Engrossed	2398
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 37-10-2	2772
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 190. By Witek

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Judiciary	257
Jan.	19	Notice of hearing (1/26)	430
Jan.	27	Indefinitely postponed	518

LEGISLATIVE BILL 191. By Robak

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Banking, Commerce and Insurance	257
Jan.	23	Notice of hearing (1/31)	448
Feb.	8	Placed on General File - Com AM0182	673

(Provisions/portions of LB 191 amended into LB 614 by AM1329)

LEGISLATIVE BILL 192. By Robak

Jan.	9	Read first time	171
Jan.	12	Referred to Committee on Judiciary	257
Jan.	12	Notice of hearing (1/20)	281
Jan.	27	Indefinitely postponed	518

LEGISLATIVE BILL 193. By Maurstad

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Urban Affairs	257
Feb.	7	Notice of hearing (2/21)	629
Mar.	2	Placed on General File - Com AM0676	957
Mar.	9	Urban Affairs Committee priority bill	1037
Apr.	13	Committee AM0676 adopted	1659
Apr.	25	Maurstad AM1790 adopted. Advanced for Review	1811
Apr.	25	Placed on Select File - AM7124	1818
Apr.	27	AM7124 (E & R) adopted. Advanced for Engrossment	1866
May	2	Correctly Engrossed	1922
May	10	Final Reading 38-2-9	2097
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

(Provisions/portions of LB 476 amended into LB 193 by AM0676)

LEGISLATIVE BILL 194. By Maurstad

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Urban Affairs	257
Jan.	31	Notice of hearing (2/7)	539
Feb.	13	Placed on General File	719

Mar.	30	Advanced for Review	1437
Apr.	6	Placed on Select File	1523
Apr.	7	Maurstad AM1517 adopted. Advanced for Engrossment	1561
Apr.	10	Correctly Engrossed. ER9045 change	1602
Apr.	21	Final Reading w/E 41-0-8	1769
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

(Provisions/portions of LB 195 amended into LB 194 by AM1517)

LEGISLATIVE BILL 195. By Maurstad

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Jan.	19	Notice of hearing (1/27)	430
Jan.	31	Vrtiska name added	553
Feb.	6	Placed on General File - Com AM0235	613
Feb.	9	Stuhr AM0261 printed	698

(Provisions/portions of LB 195 amended into LB 194 by AM1517)

LEGISLATIVE BILL 196. By Maurstad

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Urban Affairs	257
Jan.	17	Notice of hearing (1/24)	304
Jan.	27	Placed on General File - Com AM0087	517
Feb.	1	Committee AM0087 adopted. Advanced for Review	564
Feb.	2	Placed on Select File - AM7023	579
Feb.	6	AM7023 (E & R) adopted. Advanced for Engrossment	620
Feb.	8	Correctly Engrossed	662
Feb.	8	ER9008 change	663
Mar.	10	Final Reading 38-0-11	1047
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 197. By Maurstad

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Urban Affairs	257
Jan.	17	Notice of hearing (1/24)	304
Jan.	27	Placed on General File - Com AM0088	517
Feb.	1	Committee AM0088 adopted. Advanced for Review	564
Feb.	2	Placed on Select File - AM7025	582
Feb.	6	AM7025 (E & R) adopted. Cudaback FA25	

		adopted. Advanced for Engrossment	620
Feb.	8	Correctly Engrossed	662
Mar.	10	Final Reading 41-0-8	1048
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 198. By Wehrbein, Coordsen

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Natural Resources	257
Jan.	18	Notice of hearing (1/25)	366

LEGISLATIVE BILL 199. By Wehrbein

Jan.	9	Read first time	172
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Jan.	31	Notice of hearing (2/10)	539
Feb.	22	Placed on General File	820
Apr.	25	Advanced for Review	1812
Apr.	25	Placed on Select File - AM7128	1829
Apr.	27	AM7128 (E & R) adopted. Advanced for Engrossment	1867
May	2	Correctly Engrossed	1922
May	10	Final Reading 39-0-10	2098
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 200. By Hudkins, Pedersen

Jan.	9	Read first time	173
Jan.	12	Referred to Committee on Judiciary	257
Jan.	17	Pedersen name withdrawn	325
Feb.	15	Notice of hearing (2/22)	768
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 201. By Hudkins, Crosby, Vrtiska

Jan.	9	Read first time	173
Jan.	12	Referred to Committee on Transportation	257
Jan.	27	Notice of hearing (2/7)	509

LEGISLATIVE BILL 202. By Cudaback, Vrtiska

Jan.	9	Read first time	173
Jan.	12	Referred to Committee on Revenue	257

Jan.	12	Notice of hearing (1/20)	281
Jan.	23	Placed on General File - Com AM0032	451
Jan.	24	Committee AM0032 adopted. Advanced for Review	462
Jan.	26	Placed on Select File - AM7008	489
Jan.	30	AM7008 (E & R) adopted. Advanced for Engrossment	528
Feb.	1	Correctly Engrossed	555
Feb.	8	Bernard-Stevens motion to return to Select File for AM0294 lost	657
Feb.	8	Chambers motion to return to Select File for FA29 lost. Final Reading 41-1-7	659
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	16	Approved by Governor (2/15)	770

(Provisions/portions of LB 153 amended into LB 202 by AM0032)

LEGISLATIVE BILL 203. By Matzke

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Health and Human Services	257
Feb.	8	Notice of hearing (3/2)	664
Apr.	20	Attorney General's Opinion #95033 to Wesely	1749

LEGISLATIVE BILL 204. By Matzke

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Health and Human Services	257
Feb.	8	Notice of hearing (3/2)	664
Mar.	7	Indefinitely postponed	1011

LEGISLATIVE BILL 205. By Janssen, Bromm, Cudaback, Robinson, Schellpeper, Vrtiska

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Jan.	19	Notice of hearing (1/27)	430
Feb.	6	Placed on General File - Com AM0236	613
Apr.	13	Committee AM0236 adopted. Advanced for Review	1667
Apr.	19	Placed on Select File - AM7116	1733
May	4	Janssen AM1928 to AM7116 printed	1966
May	10	AM7116 (E & R) adopted. Janssen pending AM1928 p. 1966 adopted. Advanced for Engrossment	2092
May	11	Correctly Engrossed	2146
May	19	Final Reading 32-1-16	2365
May	19	Speaker signed. Presented to Governor (5/19)	2374

May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 206. By Janssen, Bromm, Cudaback, Robinson, Schellpeper, Vrtiska

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Health and Human Services	257
Jan.	24	Notice of hearing (2/1)	466

LEGISLATIVE BILL 207. By Day, Hillman

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Urban Affairs	257
Feb.	7	Notice of hearing (2/28)	630
Mar.	10	Placed on General File - Com AM0894	1060
Apr.	13	Committee AM0894 adopted. Advanced for Review	1667
Apr.	19	Placed on Select File	1732
May	3	Day-Bernard-Stevens AM1825 printed	1954
May	10	Day-Bernard-Stevens pending AM1825 p. 1954 adopted. Advanced for Engrossment	2092
May	11	Correctly Engrossed. ER9076 change	2146
May	19	Final Reading 32-4-13	2366
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Maurstad explanation of vote	2395
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 208. By Hudkins

Jan.	9	Read first time	178
Jan.	12	Referred to Committee on Revenue	257
Feb.	1	Notice of hearing (2/16)	569
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 209. By Hudkins

Jan.	9	Read first time	179
Jan.	12	Referred to Committee on Natural Resources	257
Feb.	14	Notice of hearing (2/22)	747
Mar.	14	Hudkins priority bill	1099
Apr.	6	Placed on General File - Com AM1422 (printed separate)	1528
Apr.	25	Hudkins AM1774 to committee AM1422 printed	1832
May	3	Preister AM1970 to AM1744 printed	1963

May	3	Preister AM1948 and AM1949 to AM1744 printed	1964
May	5	Hudkins pending AM1774 p. 1832 to committee AM1422 adopted. Preister request to substitute amendment prevailed. Preister pending AM1970 p. 1963 withdrawn. Preister substitute AM2014 to committee AM1422 adopted. Preister pending AM1949 p. 1964 withdrawn	2005
May	5	Committee AM1422 adopted as amended by Chambers FA194. Preister AM1946 and Chambers FA195 lost. Advanced for Review	2009
May	16	Placed on Select File - AM7156 (printed separate)	2199
May	18	Wesely AM2237 to AM7156 printed	2348
May	18	Dierks AM2336 to AM7156 printed	2352
May	22	Preister AM2376, AM2368, and AM2409 to AM7156 printed	2427
May	23	Schrock AM2288 to AM7156 printed	2436
May	30	AM7156 (E & R) adopted. Preister request to substitute amendment prevailed. Preister pending AM1948 p. 1964 withdrawn. Preister substitute AM2368 p. 2427 sustained division of question. Preister FA321 and FA322 lost	2606
May	30	Schrock pending AM2288 p. 2436 and Dierks pending AM2336 p. 2352 adopted. Wesely pending AM2237 p. 2348 and Preister pending AM2376 p. 2427 withdrawn	2610
May	30	Preister request to substitute amendment. Preister pending AM2409 p. 2427 withdrawn. Preister substitute FA323, Beutler AM2524 and Chambers FA324 adopted. Advanced for Engrossment	2614
May	30	Correctly Engrossed. ER9103 change	2648
June	1	Crosby motion to suspend rules and allow Final Reading prevailed	2702

(Provisions/portions of LB 554 amended into LB 209 by AM2524)
(Provisions/portions of LB 576 amended into LB 209 by AM1422)

LEGISLATIVE BILL 210. By Lynch, Kristensen

Jan.	9	Read first time	179
Jan.	12	Referred to Committee on Revenue	257
Jan.	25	Notice of hearing (2/2)	476
Feb.	21	Placed on General File - Com AM0518	808

(Provisions/portions of LB 210 amended into LB 430 by AM0912)

LEGISLATIVE BILL 211. By Warner, McKenzie

Jan.	9	Read first time	180
Jan.	12	Referred to Committee on Appropriations	257
Jan.	31	Notice of hearing (2/21)	551

LEGISLATIVE BILL 212. By Wickersham, Janssen, Schimek

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	257
Feb.	8	Notice of hearing (2/23)	637
Mar.	14	Placed on General File	1097

LEGISLATIVE BILL 213. By Schellpeper

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on Transportation	257
Jan.	12	Notice of hearing (1/23)	261
Jan.	20	Bromm name added	445
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 214. By Wesely, Schellpeper

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on Health and Human Services	257
Jan.	12	Notice of hearing (1/19)	280
Jan.	12	Hartnett name added	283
Jan.	20	Placed on General File - Com AM0023	437
Jan.	23	Committee AM0023 adopted. Advanced for Review	452
Jan.	25	Placed on Select File - AM7006	480
Jan.	26	AM7006 (E & R) adopted. Advanced for Engrossment	502
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading w/E 43-0-6	651
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 215. By Hall

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on Business and Labor	257
Jan.	30	Notice of hearing (2/6)	523
Mar.	7	Indefinitely postponed	1010

LEGISLATIVE BILL 216. By Hall

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on Business and Labor	257

Jan.	20	Notice of hearing (1/30)	438
Jan.	31	Placed on General File - Com AM0160	548
Feb.	9	Committee AM0160 adopted. Preister FA31 sustained division of question - FA32 lost and FA33 withdrawn	695
Feb.	9	Chambers name added	700
Feb.	10	Chambers motion to indefinitely postpone laid over	708
Feb.	14	Chambers pending motion p. 709 withdrawn. Failed to advance for Review	745
June	1	Will name added	2700

LEGISLATIVE BILL 217. By Hall

Jan.	9	Read first time	181
Jan.	12	Referred to Committee on General Affairs	257
Jan.	20	Notice of hearing (1/30)	439
June	1	Will name added	2700

LEGISLATIVE BILL 218. By Hall

Jan.	9	Read first time	182
Jan.	12	Referred to Committee on General Affairs	257
Feb.	6	Notice of hearing (3/13)	625
June	1	Will name added	2700

LEGISLATIVE BILL 219. By Hall

Jan.	9	Read first time	182
Jan.	12	Referred to Committee on Transportation	257
Jan.	27	Notice of hearing (2/7)	509
June	1	Will name added	2700

LEGISLATIVE BILL 220. By Hall

Jan.	9	Read first time	182
Jan.	12	Referred to Committee on Judiciary	257
Mar.	1	Notice of hearing (3/9)	949
June	1	Abboud name added	2700

LEGISLATIVE BILL 221. By Hall

Jan.	9	Read first time	182
Jan.	12	Referred to Committee on Business and Labor	257
Jan.	19	Will name added	430
Feb.	21	Notice of hearing (3/6)	792
Mar.	8	Indefinitely postponed	1021
Mar.	13	Hall motion to place on General File laid over	1069
Mar.	22	Hall pending motion p. 1069 withdrawn	1217

LEGISLATIVE BILL 222. By Hall

Jan. 9	Read first time	182
Jan. 12	Referred to Committee on Judiciary	257
Jan. 20	Notice of hearing (1/27)	439
Jan. 31	Placed on General File - Com AM0119	548
Jan. 31	Hudkins name added	553
Feb. 10	Committee AM0119 adopted as amended by Chambers AM0350. Advanced for Review	710
Feb. 10	Chambers name added	713
Feb. 13	Placed on Select File - AM7042	724
Feb. 28	AM7042 (E & R) adopted. Advanced for Engrossment	934
Feb. 28	Beutler name added	942
Mar. 6	Correctly Engrossed	968
Mar. 24	Final Reading w/E 37-3-9	1299
Mar. 24	Speaker signed	1311
Mar. 24	Presented to Governor (3/24)	1312
Mar. 27	Pedersen explanation of vote	1334
Mar. 27	Witek explanation of vote	1337
Mar. 29	Approved by Governor (3/29)	1420

(Provisions/portions of LB 177 amended into LB 222 by AM0350)

LEGISLATIVE BILL 223. By Hall

Jan. 9	Read first time	182
Jan. 11	Referred to Committee on Judiciary. Notice of hearing (1/18)	254
Jan. 23	Indefinitely postponed	454

LEGISLATIVE BILL 224. By Hall

Jan. 9	Read first time	182
Jan. 12	Referred to Committee on Health and Human Services	257
Feb. 8	Notice of hearing (3/9)	665
June 1	Will name added	2700

LEGISLATIVE BILL 225. By Hall

Jan. 9	Read first time	183
Jan. 12	Referred to Committee on Transportation	257
Jan. 27	Notice of hearing (2/7)	509
June 1	Will name added	2700

LEGISLATIVE BILL 226. By Hall

Jan.	9	Read first time	183
Jan.	12	Referred to Committee on Urban Affairs	258
Jan.	20	Hall motion to withdraw bill laid over	445
Jan.	23	Hall pending motion p. 445 prevailed. Withdrawn	447

LEGISLATIVE BILL 227. By Hall

Jan.	9	Read first time	183
Jan.	12	Referred to Committee on Revenue	258
Feb.	1	Notice of hearing (2/8)	569
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 228. By Landis, Hartnett, Wickersham

Jan.	9	Read first time	183
Jan.	12	Referred to Committee on Revenue	258
Jan.	24	Will name added	467
Feb.	1	Notice of hearing (2/10)	569
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 229. By Dierks, Coordsen, Hudkins, Jones, McKenzie, Schmitt, Stuhr, Wickersham

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Natural Resources	258
Feb.	14	Notice of hearing (2/24)	747

LEGISLATIVE BILL 230. By Elmer

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	258
Feb.	8	Notice of hearing (2/16)	637
Feb.	22	Placed on General File - Com AM0535	820

LEGISLATIVE BILL 231. By Lindsay

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Judiciary	258
Jan.	12	Notice of hearing (1/20)	281
Feb.	21	Placed on General File - Com AM0434	798

LEGISLATIVE BILL 232. By Lindsay

Jan.	9	Read first time	184
Jan.	10	Brown name added	229
Jan.	12	Referred to Committee on Judiciary	258
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 233. By Lindsay

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	258
Feb.	8	Notice of hearing (2/16)	637
Feb.	22	Placed on General File	820

LEGISLATIVE BILL 234. By Lindsay

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Judiciary	258
Jan.	12	Notice of hearing (1/20)	281
Jan.	23	Placed on General File	454
Jan.	24	Pending	463
Jan.	25	Failed to advance for Review	473
Feb.	1	Hudkins AM0173 adopted. Witek FA18 lost. Brashear AM0179 withdrawn. Failed to advance for Review	556

LEGISLATIVE BILL 235. By Lindsay

Jan.	9	Read first time	184
Jan.	12	Referred to Committee on Judiciary	258
Jan.	19	Notice of hearing (1/26)	430
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 236. By Beutler

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Natural Resources	258
Jan.	12	Notice of hearing (1/20)	280

LEGISLATIVE BILL 237. By Beutler

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Natural Resources	258
Jan.	26	Notice of hearing (2/2)	493

LEGISLATIVE BILL 238. By Beutler

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Natural Resources	258
Jan.	20	Notice of hearing (1/27)	438

LEGISLATIVE BILL 239. By Abboud, Dierks, Preister, Schimek, Schmitt, Vrtiska

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Business and Labor	258
Jan.	12	Notice of hearing (1/23)	280
Jan.	24	Placed on General File	463
Jan.	25	Advanced for Review	482
Jan.	27	Placed on Select File	514
Jan.	30	Advanced for Engrossment	529
Feb.	1	Correctly Engrossed	555
Feb.	9	Final Reading 43-0-6	689
Feb.	10	Speaker signed	703
Feb.	10	Presented to Governor (2/10)	709
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 240. By Abboud, Dierks, Preister, Schimek, Schmitt, Vrtiska

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Business and Labor	258
Jan.	12	Notice of hearing (1/23)	280
Jan.	24	Placed on General File	463
Jan.	25	Pending	482
Jan.	26	Bracketed until 2/8/95	488
Feb.	9	Hall AM0318 adopted. Advanced for Review	691
Feb.	13	Placed on Select File - AM7039	717
Feb.	28	AM7039 (E & R) adopted. Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	15	Returned to Select File for Hudkins amendment. Hudkins AM1006 pending	1142
Apr.	7	Hudkins pending AM1006 p. 1142 adopted. Advanced for Reengrossment	1539
Apr.	10	Correctly Reengrossed	1588
Apr.	19	Final Reading 41-0-8	1705
Apr.	19	Speaker signed	1706
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

(Provisions/portions of LB 478 amended into LB 240 by AM1006)

LEGISLATIVE BILL 241. By Bohlke, Beutler, Crosby, Engel, Hillman, Janssen, Lynch, McKenzie, Robak, Stuhr, Warner, Wickersham, at the request of the Governor

Jan.	9	Read first time	185
Jan.	12	Referred to Committee on Education	258
Jan.	30	Notice of hearing (2/6)	523
Feb.	13	Placed on General File	723
Feb.	16	Bohlke AM0260 printed	776
Mar.	14	Appropriations Committee priority bill	1118
May	5	Bohlke pending AM0260 p. 776 adopted.	

		Advanced for Review	2005
May	8	Placed on Select File	2028
May	18	Advanced for Engrossment	2328
May	19	Correctly Engrossed. ER9085 change	2358
May	25	Final Reading w/E 44-0-5	2573
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 242. By Crosby, Hudkins

Jan.	9	Read first time	186
Jan.	12	Referred to Committee on Transportation	258
Jan.	27	Notice of hearing (2/7)	509
Jan.	27	Landis name added	520

LEGISLATIVE BILL 243. By Crosby, Hudkins

Jan.	9	Read first time	186
Jan.	12	Referred to Committee on Judiciary	258
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 244. By Crosby, Hudkins

Jan.	9	Read first time	186
Jan.	12	Referred to Committee on Judiciary	258
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 245. By Crosby

Jan.	9	Read first time	186
Jan.	12	Referred to Committee on Transportation	258
Jan.	27	Notice of hearing (2/7)	509

LEGISLATIVE BILL 246. By Schmitt, Elmer, Hall, Robak, Wickersham

Jan.	9	Read first time	186
Jan.	10	Schellpeper name added	229
Jan.	11	Will name added	255
Jan.	12	Referred to Committee on Transportation	258
Feb.	2	Notice of hearing (2/21)	598

LEGISLATIVE BILL 247. By Dierks, Matzke

Jan.	9	Read first time	186
Jan.	12	Referred to Committee on Natural Resources	272

Feb.	28	Notice of hearing (3/15)	941

(Provisions/portions of LB 247 amended into LB 871 by AM1200)

LEGISLATIVE BILL 248. By Abboud, Brashear, Cudaback, Hartnett, Jensen, Kristensen, Matzke, Pedersen, Pirsch, Witek

Jan.	9	Read first time	198
Jan.	11	Fisher name added	255
Jan.	12	Referred to Committee on Revenue	258
Jan.	17	Brown name added	314
Jan.	25	Notice of hearing (2/1)	476
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 249. By Coordsen

Jan.	9	Read first time	198
Jan.	12	Referred to Committee on Business and Labor	258
Jan.	30	Notice of hearing (2/6)	523

LEGISLATIVE BILL 250. By Cudaback

Jan.	10	Read first time	202
Jan.	12	Referred to Committee on Urban Affairs	272
Feb.	7	Notice of hearing (2/21)	629
Mar.	9	Indefinitely postponed	1037

LEGISLATIVE BILL 251. By McKenzie

Jan.	10	Read first time	202
Jan.	12	Referred to Committee on Natural Resources	272
Jan.	20	Notice of hearing (1/27)	438
Feb.	16	Placed on General File - Com AM0331	781
Mar.	30	Committee AM0331 adopted as amended by McKenzie AM0803. Advanced for Review	1439
Apr.	6	Placed on Select File - AM7087	1526
Apr.	13	AM7087 (E & R) adopted. Advanced for Engrossment	1655
Apr.	20	Correctly Engrossed	1754
Apr.	27	Final Reading 39-0-10	1873
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 252. By McKenzie, Day

Jan.	10	Read first time	202
Jan.	12	Referred to Committee on Judiciary	272
Feb.	22	Notice of hearing (3/2)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 253. By Day

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Transportation	272
Jan.	20	Notice of hearing (1/30)	440
Feb.	6	Placed on General File - Com AM0189	614

LEGISLATIVE BILL 253A. By Day

Mar.	13	Read first time. Placed on General File	1072

LEGISLATIVE BILL 254. By Day

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Transportation	272
Jan.	20	Notice of hearing (1/31)	440
Feb.	7	Indefinitely postponed	634

(Provisions/portions of LB 254 amended into LB 541 by AM0277)

LEGISLATIVE BILL 255. By Witek

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Health and Human Services	272
Jan.	18	Notice of hearing (1/27)	366
Jan.	31	Indefinitely postponed	550

LEGISLATIVE BILL 256. By Hudkins, Beutler, Crosby, Cudaback, Hartnett, Vrtiska

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Judiciary	272
Mar.	7	Notice of hearing (3/16)	1001
May	4	Placed on General File - Com AM1990	1995

LEGISLATIVE BILL 257. By Hudkins, Jones

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Revenue	272
Jan.	25	Notice of hearing (2/2)	476
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 258. By Wickersham, Landis

Jan.	10	Read first time	203
Jan.	12	Referred to Committee on Natural Resources	272
Feb.	2	Notice of hearing (2/10)	586
Feb.	15	Attorney General's Opinion #95010 to Hudkins	767

LEGISLATIVE BILL 259. By Will

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on Natural Resources	272
Jan.	12	Notice of hearing (1/19)	280
Jan.	31	Placed on General File - Com AM0054	544
Feb.	9	Committee AM0054 adopted. Advanced for Review	694
Feb.	13	Placed on Select File - AM7041	718
Feb.	28	AM7041 (E & R) adopted. Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 40-0-9	1299
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 260. By Will

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on Judiciary	272
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 261. By Lindsay

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on Judiciary	272
Mar.	1	Notice of hearing (3/9)	949

LEGISLATIVE BILL 262. By Lindsay

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on Judiciary	272
Jan.	20	Rereferred to Committee on Health and Human Services	432
Feb.	1	Notice of hearing (2/8)	568
Feb.	13	Indefinitely postponed	724

LEGISLATIVE BILL 263. By Warner, Avery, Bernard-Stevens, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Engel, Hillman, Jones, Kristensen, Lynch, Schellpeper, Schmitt, Schrock, Vrtiska, Wickersham

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on General Affairs	273

Feb.	6	Notice of hearing (2/27)	625
Feb.	6	Avery name withdrawn	626

LEGISLATIVE BILL 264. By Hillman, Day

Jan.	10	Read first time	204
Jan.	12	Referred to Committee on Transportation	273
Jan.	27	Notice of hearing (2/6)	509
Feb.	7	Placed on General File - Com AM0239	630
Mar.	16	Committee AM0239 adopted. Advanced for Review	1168
Mar.	21	Placed on Select File - AM7069	1198
Mar.	30	AM7069 (E & R) adopted. Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed. ER9038 change	1479
May	19	Final Reading 32-1-16	2364
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 265. By Withem

Jan.	10	Read first time	205
Jan.	12	Referred to Committee on Transportation	273
Feb.	2	Notice of hearing (2/13)	597
Feb.	24	Placed on General File	877
Apr.	13	Advanced for Review	1663
Apr.	19	Placed on Select File	1710
Apr.	26	Kristensen AM1829 printed	1860
Apr.	27	Kristensen pending AM1829 p. 1860 and Withem AM1856 adopted. Advanced for Engrossment	1864
May	2	Correctly Engrossed. ER9064 change	1922
May	18	Withem AM2185 printed	2322
May	25	Returned to Select File for Withem AM2185 p. 2322	2560
May	30	Withem pending AM2185 p. 2322 adopted. Advanced for Reengrossment	2606
May	30	Correctly Reengrossed	2612
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading w/E 41-0-8	2712
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/7)	2752

(Provisions/portions of LB 466 amended into LB 265 by AM1829)

LEGISLATIVE BILL 266. By Pedersen, Hudkins, Robinson

Jan.	10	Read first time	205
Jan.	12	Referred to Committee on Judiciary	273
Feb.	15	Notice of hearing (2/22)	768
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 267. By Schellpeper, Dierks

Jan.	10	Read first time	205
Jan.	12	Referred to Committee on Revenue	273
Feb.	2	Notice of hearing (2/24)	586

LEGISLATIVE BILL 268. By Warner

Jan.	10	Read first time	205
Jan.	12	Referred to Committee on Revenue	273
Jan.	12	Notice of hearing (1/19)	281
Jan.	20	Placed on General File	438
Jan.	23	Advanced for Review	453
Jan.	25	Placed on Select File	480
Jan.	26	Advanced for Engrossment	503
Jan.	30	Correctly Engrossed	523
Feb.	8	Final Reading w/E 44-0-5	652
Feb.	8	President signed	658
Feb.	8	Presented to Governor (2/8)	663
Feb.	15	Approved by Governor (2/14)	749

LEGISLATIVE BILL 269. By Lindsay

Jan.	10	Read first time	205
Jan.	12	Referred to Committee on Judiciary	273
Jan.	26	Notice of hearing (2/2)	504
Feb.	6	Placed on General File	623

LEGISLATIVE BILL 270. By Lindsay

Jan.	10	Read first time	206
Jan.	12	Referred to Committee on Judiciary	273
Jan.	18	Notice of hearing (1/25)	366
Jan.	30	Placed on General File - Com AM0077	531
Feb.	7	Committee AM0077 adopted. Advanced for Review	631
Feb.	10	Placed on Select File	707
Feb.	28	Advanced for Engrossment	932
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 38-0-11	1300
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 271. By Lindsay

Jan.	10	Read first time	206
Jan.	12	Referred to Committee on Judiciary	273
Jan.	19	Notice of hearing (1/26)	430
Jan.	30	Placed on General File - Com AM0110	531
Feb.	7	Committee AM0110 adopted. Advanced for Review	631
Feb.	10	Placed on Select File - AM7036 (printed separate)	707
Feb.	28	AM7036 (E & R) adopted. Advanced for Engrossment	932
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 39-0-10	1301
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 272. By Matzke

Jan.	10	Read first time	206
Jan.	12	Referred to Committee on Revenue	273
Jan.	25	Notice of hearing (2/2)	476

LEGISLATIVE BILL 273. By Pedersen, Lindsay

Jan.	10	Read first time	206
Jan.	12	Referred to Committee on Judiciary	273
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Placed on General File	723

LEGISLATIVE BILL 274. By Elmer, Avery, Bernard-Stevens, Bohlke, Brashear, Bromm, Brown, Coordsen, Dierks, Engel, Fisher, Hillman, Hudkins, Janssen, Jones, Kristensen, Lynch, Matzke, Maurstad, McKenzie, Robak, Robinson, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska, Wehrbein, Wickersham, Witek

Jan.	10	Read first time	210
Jan.	12	Referred to Committee on Natural Resources	273
Jan.	12	Notice of hearing (1/19)	280
Jan.	24	Placed on General File	463
Jan.	25	Preister AM0031 printed	482
Jan.	26	Preister pending AM0031 p. 482 and FA8 lost. Chambers FA4 adopted. Chambers FA5, FA6, and Preister FA7 withdrawn. Advanced for Review	490
Jan.	26	Lynch name withdrawn	504

Jan. 27	Placed on Select File	518
Jan. 31	Elmer FA11 printed	537
Feb. 6	Elmer pending FA11 p. 537 and Preister AM0245 adopted. Lindsay FA19 adopted as amended by Lindsay-Jensen FA20. Advanced for Engrossment	602
Feb. 7	Correctly Engrossed. ER9003 change	633
Feb. 13	Elmer AM0368 printed	719
Feb. 21	Elmer AM0455 printed	796
Mar. 24	Elmer pending AM0368 p. 719 and pending AM0455 p. 796 withdrawn. Returned to Select File for Elmer amendment. Elmer FA91 adopted. Advanced for Reengrossment	1296
Mar. 27	Correctly Reengrossed. ER9024 change	1347
Apr. 7	Final Reading 40-2-7	1545
Apr. 7	Speaker signed	1555
Apr. 7	Presented to Governor (4/7)	1564
Apr. 10	Elmer explanation of vote	1581
Apr. 12	Approved by Governor (4/12)	1631

LEGISLATIVE BILL 275. By Pedersen

Jan. 10	Read first time	210
Jan. 12	Referred to Committee on General Affairs	273
Jan. 26	Notice of hearing (2/6)	504
Feb. 16	Placed on General File - Com AM0418 (printed separate)	775
Mar. 1	Pedersen priority bill	951
Mar. 2	Committee AM0418 adopted. Advanced for Review	964
Mar. 7	Placed on Select File - AM7051 (printed separate)	1010
Mar. 22	AM7051 (E & R) adopted. Bernard-Stevens-Pedersen FA83 adopted. Advanced for Engrossment	1226
Mar. 24	Correctly Engrossed	1283
May 8	Pedersen AM1854 printed	2034
May 22	Pedersen motion to return to Select File for AM1854 p 2034 lost	2402
May 22	Will motion to reconsider Pedersen motion to return to Select File for AM1854 prevailed and pending	2415
May 30	Returned to Select File for Pedersen amendment. Pedersen pending AM1854 p. 2034 adopted. Advanced for Reengrossment	2626
May 30	Bernard-Stevens motion to suspend rules to consider FA334 withdrawn	2627
May 30	Correctly Reengrossed	2648
May 31	Correction	2652

June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading w/E 42-0-7	2712
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 275A. By Pedersen

Mar.	7	Read first time. Placed on General File	1002
Mar.	10	Advanced for Review	1058
Mar.	15	Placed on Select File	1122
Mar.	22	Advanced for Engrossment	1226
Mar.	24	Correctly Engrossed	1283
May	8	Pedersen AM1944 printed	2034
May	30	Pedersen pending AM1944 p. 2034 withdrawn. Returned to Select File for Pedersen amendment. Pedersen AM2469 adopted. Advanced for Reengrossment	2627
May	30	Correctly Reengrossed	2648
May	30	ER9105 change	2649
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading w/E 45-0-4	2713
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 276. By Pedersen

Jan.	10	Read first time	210
Jan.	12	Referred to Committee on Revenue	273
Jan.	25	Notice of hearing (2/1)	476
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 277. By Schimek at request of Governor

Jan.	10	Read first time	210
Jan.	12	Referred to Committee on Revenue	273
Jan.	17	Correction	287
Jan.	25	Notice of hearing (2/2)	476
Mar.	6	Placed on General File - Com AM0755	978

LEGISLATIVE BILL 278. By Hall

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Revenue	273
Feb.	1	Notice of hearing (2/10)	569
June	1	Will name added	2700

LEGISLATIVE BILL 279. By Hall

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Banking, Commerce and Insurance	273
Jan.	30	Notice of hearing (2/7)	527
Feb.	9	Placed on General File	691
June	1	Will name added	2700

(Provisions/portions of LB 279 amended into LB 837 by AM1451)

LEGISLATIVE BILL 280. By Hartnett

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Urban Affairs	273
Jan.	24	Notice of hearing (1/31)	461
Mar.	9	Placed on General File	1036

LEGISLATIVE BILL 281. By Wehrbein

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Appropriations	273
Jan.	30	Notice of hearing (2/16)	524
Feb.	9	Correction	680
Apr.	27	Placed on General File - Com AM1759	1888
May	4	Committee AM1759 pending	1995
May	5	Committee AM1759 lost. Bracketed	2004

LEGISLATIVE BILL 282. By Wehrbein

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Revenue	273
Jan.	19	Notice of hearing (1/27)	429
Feb.	27	Indefinitely postponed	922

LEGISLATIVE BILL 283. By Wehrbein

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Judiciary	273
Feb.	8	Notice of hearing (2/16)	665
Feb.	9	Correction	680
Feb.	22	Placed on General File - Com AM0486	832
Mar.	14	Wehrbein priority bill	1118
May	17	Committee AM0486 adopted. Beutler request to substitute amendment prevailed. Beutler AM2280 withdrawn. Beutler substitute FA229 adopted. Chambers FA230 and FA231 adopted. Advanced for Review	2289
May	18	Placed on Select File - AM7159	2335
May	30	AM7159 (E & R) adopted. Chambers FA325, FA326, FA327, and FA328 adopted.	

		Chambers FA329 pending	2616
May	30	Chambers pending FA329 p. 2617 withdrawn. Wehrbein FA330 adopted. Advanced for Engrossment	2618
May	30	Correctly Engrossed	2648
May	30	ER9104 change	2649
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 45-0-4	2714
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 284. By Robak

Jan.	10	Read first time	211
Jan.	12	Referred to Committee on Transportation	273
Feb.	14	Notice of hearing (3/7)	745

LEGISLATIVE BILL 285. By Withem, Avery, Hartnett, Preister

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	273
Feb.	8	Notice of hearing (2/15)	636
Feb.	22	Placed on General File	820
Mar.	30	Advanced for Review	1440
Apr.	7	Placed on Select File - AM7100	1576
Apr.	13	AM7100 (E & R) adopted. Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	27	Final Reading 39-0-10	1873
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 286. By Withem, Avery, Hartnett, Pedersen

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	273
Feb.	23	Notice of hearing (3/10)	851
Mar.	16	Placed on General File	1154
May	3	Advanced for Review	1937
May	4	Placed on Select File	1987
May	10	Advanced for Engrossment	2092
May	11	Correctly Engrossed	2137
May	19	Final Reading 37-0-12	2366
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Bromm explanation of vote	2398

May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 287. By Lynch

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Revenue	273
Jan.	19	Notice of hearing (1/26)	429
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 288. By Lynch

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Revenue	273
Jan.	18	Notice of hearing (1/25)	365
Jan.	30	Placed on General File - Com AM0117	529
Feb.	7	Committee AM0117 adopted. Advanced for Review	628
Feb.	10	Placed on Select File - AM7031	707
Feb.	16	Lynch AM0333 printed	776
Feb.	28	AM7031 (E & R) adopted. Lynch pending AM0333 p. 776 adopted. Advanced for Engrossment	931
Mar.	6	Correctly Engrossed	968
Mar.	6	ER9020 change	969
Mar.	24	Final Reading 38-0-11	1302
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 289. By McKenzie

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Natural Resources	273
Feb.	22	Notice of hearing (3/2)	830
May	23	Placed on General File - Com AM2224	2459

LEGISLATIVE BILL 290. By Elmer

Jan.	10	Read first time	212
Jan.	12	Referred to Committee on Education	273
Jan.	23	Notice of hearing (1/30)	446
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 291. By Vrtiska

Jan.	10	Read first time	213
Jan.	12	Referred to Committee on Business and Labor	273

Jan.	20	Notice of hearing (1/30)	438
Feb.	14	Placed on General File	748
Apr.	25	Advanced for Review	1812
Apr.	25	Placed on Select File	1829
Apr.	27	Advanced for Engrossment	1867
May	2	Correctly Engrossed	1922
May	10	Final Reading 41-0-8	2099
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 292. By Vrtiska

Jan.	10	Read first time	213
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	273
Jan.	31	Notice of hearing (2/8)	539
Feb.	10	Placed on General File	709

LEGISLATIVE BILL 293. By Abboud, Hartnett

Jan.	10	Read first time	216
Jan.	12	Referred to Committee on General Affairs	273
Feb.	6	Notice of hearing (3/6)	625
Mar.	15	Indefinitely postponed	1122

(Provisions/portions of LB 293 amended into LB 344 by AM2506)

LEGISLATIVE BILL 294. By Warner

Jan.	10	Read first time	216
Jan.	12	Referred to Committee on Revenue	273
Jan.	19	Notice of hearing 1/27)	429
Feb.	27	Indefinitely postponed	922

LEGISLATIVE BILL 295. By Landis, at the request of the Governor

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Revenue	273
Feb.	1	Notice of hearing (2/10)	569
Mar.	13	Placed on General File	1076
Mar.	14	Revenue Committee priority bill	1116

LEGISLATIVE BILL 296. By Beutler

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Natural Resources	273
Jan.	12	Notice of hearing (1/20)	280

Jan.	31	Placed on General File - Com AM0053	544
Feb.	8	Hudkins AM0297 printed	678
Feb.	9	Committee AM0053 adopted. Hudkins pending AM0297 p. 678 withdrawn. Advanced for Review	695
Feb.	13	Placed on Select File - AM7040	718
May	30	AM7040 (E & R) adopted. Advanced for Engrossment	2612
May	30	Correctly Engrossed	2615
June	1	Returned to Select File for Beutler amendment. Beutler AM2597 adopted. Advanced for Reengrossment	2715
June	1	Correctly Reengrossed	2730
June	1	Crosby motion to suspend rules and allow Final Reading prevailed	2702

(Provisions/portions of LB 554 amended into LB 296 by AM2597)
(Provisions/portions of LB 854 amended into LB 296 by AM2597)

LEGISLATIVE BILL 297. By Beutler

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Judiciary	273
Jan.	20	Notice of hearing (1/27)	439
Jan.	30	Indefinitely postponed	532
Jan.	31	Corrected Committee Report - Placed on General File	537
Feb.	8	Advanced for Review	661
Feb.	10	Placed on Select File	713
Feb.	15	Beutler AM0358 printed	750
Feb.	28	Beutler pending AM0358 p. 750 adopted. Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 38-0-11	1302
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 298. By Warner, Coordsen, Kristensen

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Revenue	273
Feb.	2	Notice of hearing (2/22)	586
Mar.	13	Placed on General File	1076
Mar.	13	Revenue Committee priority bill	1085
Mar.	27	Landis AM1131 printed	1357
Mar.	30	Preister name added	1447
Apr.	11	Beutler name added	1608
Apr.	21	Vrtiska name added	1793

LEGISLATIVE BILL 298A. By Warner

Mar.	22	Read first time. Placed on General File	1234

LEGISLATIVE BILL 299. By Warner

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Revenue	273
Feb.	27	Notice of hearing (3/10)	918

LEGISLATIVE BILL 300. By Hall, Hartnett, Will

Jan.	10	Read first time	217
Jan.	12	Referred to Committee on Revenue	273
Jan.	19	Notice of hearing (1/27)	429
Feb.	21	Placed on General File - Com AM0467	794
Mar.	6	Hartnett priority bill	978
Mar.	9	Committee AM0467 adopted. Advanced for Review	1032
Mar.	14	Placed on Select File	1111
Mar.	22	Advanced for Engrossment	1226
Mar.	24	Correctly Engrossed	1283
Mar.	27	Lindsay-Hall AM1121 printed	1370
Apr.	7	Returned to Select File for Hall amendment. Hall FA131 adopted. Advanced for Reengrossment	1541
Apr.	7	Returned to Select File for Lindsay-Hall amendment. Lindsay-Hall pending AM1121 p. 1370 adopted. Advanced for Reengrossment	1542
Apr.	10	Correctly Reengrossed	1588
Apr.	10	ER9043 change	1589
May	30	Final Reading 42-2-5	2641
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 596 amended into LB 300 by AM1121)

LEGISLATIVE BILL 301. By Coordsen

Jan.	10	Read first time	225
Jan.	12	Referred to Committee on Natural Resources	273
Feb.	22	Notice of hearing (3/2)	830

LEGISLATIVE BILL 302. By Crosby

Jan.	10	Read first time	225
Jan.	12	Referred to Committee on Health and	

		Human Services	273
Feb.	2	Notice of hearing (2/9)	597
Mar.	10	Placed on General File - Com AM0774	1060

LEGISLATIVE BILL 303. By Schimek

Jan.	10	Read first time	225
Jan.	12	Referred to Committee on Judiciary	273
Jan.	25	Notice of hearing (2/1)	482
Feb.	8	Placed on General File - Com AM0216	669
Mar.	16	Committee AM0216 adopted. Advanced for Review	1172
Mar.	21	Placed on Select File - AM7074	1199
Mar.	22	Lindsay AM1086 printed	1220
Mar.	29	Hartnett AM1324 printed	1410
Mar.	30	AM7074 (E & R) adopted. Lindsay pending AM1086 p. 1220 withdrawn. Hartnett pending AM1324 p. 1410 adopted. Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	5	ER9034 change	1480
Apr.	19	Hartnett AM1685 printed	1708
May	4	Hartnett pending AM1685 p. 1708 withdrawn. Final Reading 25-0-24	1967
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	10	Approved by Governor (5/10)	2109

(Provisions/portions of LB 603 amended into LB 303 by AM0216)

LEGISLATIVE BILL 304. By Vrtiska, Avery, Coordsen, Janssen, Preister, Schmitt

Jan.	10	Read first time	225
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	273
Jan.	31	Notice of hearing (2/8)	539
Feb.	24	Placed on General File - Com AM0036	871

LEGISLATIVE BILL 305. By Vrtiska, Avery, Bohlke, Crosby, Hillman, Janssen, Stuhr

Jan.	10	Read first time	226
Jan.	12	Referred to Committee on Judiciary	273
Jan.	18	Notice of hearing (1/25)	366
Jan.	30	Placed on General File - Com AM0078	531
Feb.	7	Committee AM0078 adopted. Avery FA26 and Beutler FA27 lost. Advanced for Review	632
Feb.	8	Beutler AM0288 printed	678
Feb.	10	Placed on Select File	708
Feb.	28	Beutler pending AM0288 p. 678 adopted.	

	Advanced for Engrossment	932
Mar. 6	Correctly Engrossed	968
Mar. 24	Final Reading 36-2-11	1303
Mar. 24	Speaker signed	1311
Mar. 24	Presented to Governor (3/24)	1312
Mar. 27	Pedersen explanation of vote	1334
Mar. 27	Witek explanation of vote	1337
Mar. 29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 306. By Hall

Jan. 10	Read first time	226
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	273
Jan. 31	Notice of hearing (2/9)	539
Feb. 28	Indefinitely postponed	935

LEGISLATIVE BILL 307. By Hall, Withem

Jan. 11	Read first time	235
Jan. 17	Referred to Committee on Executive Board	315
Jan. 24	Notice of hearing (1/31)	466
Feb. 1	Placed on General File	555
Feb. 13	Avery AM0354 printed	727
Feb. 28	Avery pending AM0354 p. 727 pending	935
Mar. 2	Avery pending AM0354 p. 727 pending	966
Mar. 10	Advanced for Review	1058
Mar. 15	Placed on Select File	1122
Mar. 22	Avery AM1123 printed	1233
Mar. 22	Avery AM1124 and AM1126 printed	1234
Mar. 22	Vrtiska AM1125 printed	1235

LEGISLATIVE BILL 308. By Schmitt, Chambers

Jan. 11	Read first time	235
Jan. 17	Referred to Committee on Government, Military and Veterans Affairs	315
Jan. 31	Notice of hearing (2/10)	539
Mar. 21	Placed on General File	1191

LEGISLATIVE BILL 309. By Wickersham

Jan. 11	Read first time	235
Jan. 17	Referred to Committee on Natural Resources	315
Feb. 22	Notice of hearing (3/1)	830
Mar. 2	Placed on General File	953
Apr. 13	Advanced for Review	1666
Apr. 19	Placed on Select File - AM7117	1732
Apr. 26	AM7117 (E & R) adopted.	

		Advanced for Engrossment	1844
Apr.	27	Correctly Engrossed	1892
May	9	Final Reading 39-0-10	2043
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 310. By Elmer

Jan.	11	Read first time	236
Jan.	17	Referred to Committee on Judiciary	315
Feb.	16	Notice of hearing (2/24)	784
Feb.	27	Indefinitely postponed	922

LEGISLATIVE BILL 311. By Wehrbein

Jan.	11	Read first time	236
Jan.	17	Referred to Committee on Appropriations	315
Feb.	1	Notice of hearing (3/10)	561
Mar.	15	Speaker priority bill	1124
May	5	Placed on General File	2007
May	8	Advanced for Review	2029
May	9	Placed on Select File	2059
May	10	Advanced for Engrossment	2106
May	16	Correctly Engrossed	2150
May	25	Final Reading 41-1-7	2570
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 312. By Witek

Jan.	11	Read first time	238
Jan.	17	Referred to Committee on Judiciary	315
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 313. By Witek

Jan.	11	Read first time	238
Jan.	17	Referred to Committee on Judiciary	315
Feb.	1	Notice of hearing (2/8)	569
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 314. By Witek

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Judiciary	315

Feb.	8	Notice of hearing (2/16)	665
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 315. By Schellpeper

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Judiciary	315
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 316. By Schellpeper

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Natural Resources	315
Feb.	8	Notice of hearing (2/15)	663
May	23	Placed on General File - Com AM1695	2459

LEGISLATIVE BILL 317. By Schellpeper

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Natural Resources	315
Feb.	28	Notice of hearing (3/15)	941
Apr.	6	Indefinitely postponed	1528

LEGISLATIVE BILL 318. By Coordsen

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Judiciary	315
Jan.	20	Notice of hearing (1/27)	439
Jan.	30	Indefinitely postponed	532

LEGISLATIVE BILL 319. By Coordsen

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Transportation	315
Feb.	14	Notice of hearing (3/7)	745
Mar.	15	Coordsen AM1012 printed	1146
Mar.	22	Placed on General File	1243

(Provisions/portions of LB 319 amended into LB 467 by AM1376)

LEGISLATIVE BILL 320. By Beutler

Jan.	11	Read first time	239
Jan.	17	Referred to Committee on Judiciary	315
Feb.	2	Notice of hearing (2/10)	597

LEGISLATIVE BILL 321. By Coordsen

Jan.	11	Read first time	240
Jan.	17	Referred to Committee on Transportation	315
Feb.	2	Notice of hearing (2/28)	598
Mar.	22	Placed on General File - Com AM0312	1243

LEGISLATIVE BILL 322. By Coordsen

Jan.	11	Read first time	240
Jan.	17	Referred to Committee on Transportation	315
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Placed on General File - Com AM0579	880

LEGISLATIVE BILL 323. By Kristensen

Jan.	11	Read first time	240
Jan.	17	Referred to Committee on Transportation	315
Jan.	20	Notice of hearing (1/30)	440
Feb.	2	Placed on General File - Com AM0191	592

LEGISLATIVE BILL 324. By Schrock, Elmer, Robinson

Jan.	11	Read first time	240
Jan.	17	Referred to Committee on Urban Affairs	315
Jan.	24	Schrock motion to withdraw bill laid over	466
Jan.	27	Schrock pending motion p. 466 prevailed. Withdrawn	508

LEGISLATIVE BILL 325. By Warner, at the request of the Governor

Jan.	11	Read first time	240
Jan.	17	Referred to Committee on Appropriations	315
Feb.	1	Notice of hearing (3/10)	561
Mar.	15	Speaker priority bill	1124
May	5	Placed on General File	2007
May	8	Advanced for Review	2029
May	9	Placed on Select File - AM7152	2059
May	18	AM7152 (E & R) adopted. Warner AM2269 adopted. Advanced for Engrossment	2328
May	19	Correctly Engrossed	2358
May	19	ER7160 change	2359
May	24	Withem motion to suspend rules prevailed. Final Reading w/E 34-0-15	2498
May	24	President signed	2501
May	24	Presented to Governor (5/24)	2505
May	30	Approved by Governor (5/29)	2597

LEGISLATIVE BILL 325A. By Warner

May	10	Read first time. Placed on General File	2110
May	19	Advanced for Review	2368
May	19	Placed on Select File - AM7161	2381
May	22	AM7161 (E & R) adopted. Advanced for Engrossment	2402
May	22	Correctly Engrossed	2427
May	24	Withem motion to suspend rules prevailed	2498
May	24	Final Reading w/E 35-0-14	2499
May	24	President signed	2501
May	24	Presented to Governor (5/24)	2505
May	30	Approved by Governor (5/29)	2597

LEGISLATIVE BILL 326. By Warner

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	315
Jan.	23	Notice of hearing (1/30)	448
Feb.	1	Placed on General File	560
Mar.	30	Advanced for Review	1435
Apr.	6	Placed on Select File - AM7084	1519
Apr.	7	AM7084 (E & R) adopted. Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed	1593
May	25	Final Reading w/E 39-0-10	2565
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 326A. By Warner

Feb.	7	Read first time. Placed on General File	628
Mar.	30	Advanced for Review	1436
Apr.	6	Placed on Select File	1519
Apr.	7	Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed	1593
May	25	Final Reading w/E 40-0-9	2566
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Returned by Governor without approval (5/31)	2682

LEGISLATIVE BILL 327. By Warner

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on Revenue	315
Feb.	2	Notice of hearing (3/1)	584
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 328. By Robinson, Fisher, Janssen

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on General Affairs	315
Feb.	6	Notice of hearing (2/27)	625
Mar.	6	Placed on General File	980

LEGISLATIVE BILL 329. By Hartnett

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on Natural Resources	315
Feb.	22	Notice of hearing (3/2)	830

LEGISLATIVE BILL 330. By Landis

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on Business and Labor	315
Feb.	2	Notice of hearing (2/13)	583
Feb.	23	Placed on General File	850
Apr.	13	Advanced for Review	1662
Apr.	18	Placed on Select File - AM7113	1690
Apr.	25	AM7113 (E & R) adopted. Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	9	Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens AM1977 lost. Readvanced to Final Reading	2038
May	9	Final Reading 35-2-12	2040
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 331. By Wehrbein, at the request of the Governor

Jan.	11	Read first time	241
Jan.	11	Referred to Committee on Appropriations. Notice of hearing (1/18)	254
Jan.	19	Placed on General File	378
Jan.	20	Hall FA3 withdrawn. Advanced for Review	435
Jan.	20	Placed on Select File	438
Jan.	23	Advanced for Engrossment	447
Jan.	23	Correctly Engrossed	449
Jan.	25	Wehrbein motion to suspend rules prevailed. Final Reading w/E 43-0-6	472
Jan.	25	President signed	480
Jan.	25	Presented to Governor (1/25)	482
Jan.	26	Approved by Governor (1/25)	485

LEGISLATIVE BILL 332. By Witek

Jan.	11	Read first time	241
Jan.	17	Referred to Committee on General Affairs	315
Feb.	6	Notice of hearing (2/27)	625
Mar.	1	Indefinitely postponed	948

LEGISLATIVE BILL 333. By Schimek

Jan.	11	Read first time	242
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	315
Jan.	23	Notice of hearing (1/30)	448
Feb.	6	Placed on General File - Com AM0183	600

LEGISLATIVE BILL 333A. By Schimek

Feb.	13	Read first time. Placed on General File	727

LEGISLATIVE BILL 334. By Abboud

Jan.	11	Read first time	242
Jan.	17	Referred to Committee on Business and Labor	315
Jan.	20	Notice of hearing (1/30)	438
Jan.	31	Placed on General File - Com AM0151	540
Feb.	8	Committee AM0151 adopted. Advanced for Review	661
Feb.	10	Placed on Select File	713
Feb.	28	Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 38-0-11	1304
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 335. By Schimek, Crosby, Will

Jan.	11	Read first time	242
Jan.	17	Referred to Committee on Education	315
Jan.	23	Notice of hearing (1/31)	446
Mar.	1	Indefinitely postponed	950

LEGISLATIVE BILL 336. By Schimek

Jan.	11	Read first time	242
Jan.	17	Referred to Committee on Judiciary	315
Jan.	19	Notice of hearing (1/26)	430
Feb.	13	Placed on General File - Com AM0343	723

LEGISLATIVE BILL 337. By Schimek, Hall, Kristensen, Warner, Withem

Jan.	11	Read first time	242
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	315
Jan.	25	Notice of hearing (2/1)	471
Feb.	22	Placed on General File - Com AM0365	820
Mar.	2	Schimek priority bill	963
Mar.	10	Schimek AM0900 and Schimek AM0899 to committee AM0365 printed	1057
Mar.	13	Committee AM0365 adopted as amended by Schimek pending AM0899 p. 1057. Schimek pending AM0900 p. 1057 and Beutler AM0939 adopted. Beutler AM0928 withdrawn. Advanced for Review	1069
Mar.	16	Placed on Select File - AM7061	1156
Apr.	7	Schimek AM1046 to AM7061 printed	1571
Apr.	19	Attorney General's Opinion #95031 to Dierks	1711
Apr.	21	AM7061 (E & R) adopted. Wickersham AM0963 to AM7061 adopted. Beutler AM1449 to AM7061 pending	1780
Apr.	21	Beutler pending AM1449 p. 1780 lost. Schimek pending AM1046 p. 1571 and Bromm AM1636 withdrawn. Bromm-Schimek FA162 pending. Bracketed until 4/24/95	1781
Apr.	21	Witek AM1740 to AM7061 printed	1788
Apr.	21	Bromm-Schimek AM1751 to AM7061 printed	1792
Apr.	24	Bromm-Schimek pending FA162 p. 1783 and Witek pending AM1740 p. 1788 withdrawn. Schimek reoffered AM1046 p. 1571, Bromm-Schimek pending AM1751 p. 1792, and Chambers FA163 adopted. Vrtiska FA164 and Bromm FA165 lost. Advanced for Engrossment	1795
Apr.	25	Withem name withdrawn	1815
Apr.	26	Correctly Engrossed. ER9056 change	1840
May	30	Witek motion to return to Select File for AM2570 lost	2641
May	30	Final Reading 32-13-4	2642
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 337A. By Schimek

Mar.	27	Read first time. Placed on General File	1358
Apr.	4	Advanced for Review	1454

Apr.	7	Placed on Select File	1538
Apr.	24	Advanced for Engrossment	1798
Apr.	26	Correctly Engrossed	1840
May	30	Final Reading 29-12-8	2643
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 338. By Hillman, Bernard-Stevens

Jan.	11	Read first time	243
Jan.	12	Avery name added	283
Jan.	17	Referred to Committee on Natural Resources	315
Jan.	18	Notice of hearing (1/25)	366
Feb.	16	Placed on General File - Com AM0309	782

LEGISLATIVE BILL 339. By Landis

Jan.	11	Read first time	243
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	315
Jan.	23	Notice of hearing (1/31)	448
Feb.	2	Placed on General File - Com AM0184	582
Mar.	16	Committee AM0184 adopted. Advanced for Review	1166
Mar.	21	Placed on Select File	1197
Mar.	30	Advanced for Engrossment	1425
Apr.	4	Correctly Engrossed	1448
Apr.	19	Final Reading 40-1-8	1699
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 340. By Abboud, Preister

Jan.	11	Read first time	243
Jan.	17	Referred to Committee on Natural Resources	315
Jan.	18	Notice of hearing (1/25)	366

LEGISLATIVE BILL 341. By Robak

Jan.	11	Read first time	247
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	315
Feb.	23	Notice of hearing (3/8)	850
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE BILL 342. By Robak

Jan.	11	Read first time	248
Jan.	17	Referred to Committee on Urban Affairs	315
Feb.	7	Notice of hearing (2/28)	630
Mar.	9	Indefinitely postponed	1037

LEGISLATIVE BILL 343. By General Affairs Committee

Jan.	11	Read first time	248
Jan.	17	Referred to Committee on General Affairs	315
Jan.	17	Schellpeper motion to suspend rules and allow hearing prevailed	319
Jan.	17	Notice of hearing (1/23)	324
Jan.	24	Placed on General File - Com AM0044	464
Jan.	31	Committee AM0044 adopted. Advanced for Review	547
Feb.	2	Placed on Select File - AM7021	573
Feb.	15	AM7021 (E & R) adopted. Schellpeper AM0097 adopted. Advanced for Engrossment	760
Feb.	21	Correctly Engrossed	786
Feb.	21	ER9012 change	787
Mar.	10	Final Reading 39-0-10	1056
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 344. By General Affairs Committee

Jan.	11	Read first time	248
Jan.	17	Referred to Committee on General Affairs	315
Jan.	17	Schellpeper motion to suspend rules and allow hearing prevailed	319
Jan.	17	Notice of hearing (1/23)	324
Feb.	15	Placed on General File - Com AM0417	762
Feb.	23	Schellpeper AM0562 printed	852
Mar.	14	General Affairs Committee priority bill	1089
Mar.	30	Committee AM0417 adopted. Schellpeper pending AM0562 p. 852 adopted. Advanced for Review	1433
Apr.	4	Hartnett AM1284 printed	1455
Apr.	5	Placed on Select File - AM7090	1499
Apr.	6	Hall AM1516 printed	1530
Apr.	7	Hartnett AM1521 printed	1568
Apr.	7	Abboud AM1538 printed	1569
Apr.	11	Robak AM1428 printed	1618
May	10	Schellpeper AM2038 printed	2117
May	23	Schellpeper-Hall-Hartnett-Will AM2419 printed	2469
May	25	Hartnett FA320 and Schellpeper-Hartnett-Hall-Will-Abboud AM2506 printed	2588
May	30	AM7090 (E & R) adopted. Hartnett pending AM1284 p. 1455 and AM1521 p. 1568,	

		Hall pending AM1516 p. 1530, Abboud pending AM1538 p. 1569, Robak pending AM1428 p. 1618, Schellpeper pending AM2038 p. 2117, and Schellpeper et al pending AM2419 p. 2469 withdrawn. Hartnett pending FA320 and Schellpeper et al AM2506 p. 2588, and Engel AM2575 adopted. Advanced for Engrossment	2623
May	30	Correctly Engrossed	2648
May	30	ER9099 change	2649
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 33-9-7	2726
June	1	President signed	2742
June	1	Presented to Governor (6/1)	2745
June	8	Approved by Governor (6/6)	2752

(Provisions/portions of LB 293 amended into LB 344 by AM2506)

LEGISLATIVE BILL 345. By Jones, Bromm, Coordsen, Cudaback, Hartnett, Schellpeper

Jan.	11	Read first time	248
Jan.	17	Referred to Committee on Revenue	315
Jan.	19	Notice of hearing (1/26)	429
Feb.	21	Placed on General File	794

LEGISLATIVE BILL 345A. By Jones

Feb.	28	Read first time. Placed on General File	940

LEGISLATIVE BILL 346. By Jones, Schmitt

Jan.	11	Read first time	248
Jan.	17	Referred to Committee on Urban Affairs	316
Jan.	24	Notice of hearing (1/31)	461
Feb.	22	Placed on General File - Com AM0508	826
Mar.	30	Committee AM0508 adopted. Advanced for Review	1440
Apr.	7	Placed on Select File - AM7103	1576
Apr.	13	AM7103 (E & R) adopted. Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	27	Final Reading 39-0-10	1874
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 347. By Jones, Schmitt

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Transportation	316
Feb.	2	Notice of hearing (2/21)	598

LEGISLATIVE BILL 348. By Jones, Wickersham

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Judiciary	316
Jan.	19	Notice of hearing (1/26)	430
Feb.	14	Attorney General's Opinion #95009 to Fisher	743
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 349. By Robak, Dierks, Jones

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Education	316
Jan.	30	Notice of hearing (2/13)	523
Mar.	16	Placed on General File - Com AM1024 (printed separate)	1172

LEGISLATIVE BILL 350. By Matzke

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Natural Resources	316
Jan.	20	Notice of hearing (1/27)	438
Feb.	8	Placed on General File - Com AM0057	668
Mar.	16	Committee AM0057 adopted. Advanced for Review	1172
Mar.	21	Placed on Select File	1199
Mar.	30	Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	19	Final Reading 41-0-8	1703
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 351. By Kristensen

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Jan.	23	Notice of hearing (1/30)	449

LEGISLATIVE BILL 352. By Kristensen

Jan.	11	Read first time	249
Jan.	17	Referred to Committee on Judiciary	316
Jan.	18	Notice of hearing (1/25)	366
Jan.	27	Placed on General File	517
Feb.	1	Advanced for Review	564

Feb.	2	Placed on Select File	582
Feb.	6	Kristensen AM0128 adopted. Advanced for Engrossment	620
Feb.	8	Correctly Engrossed	662
Mar.	10	Final Reading 41-0-8	1049
Mar.	10	Speaker signed	1059
Mar.	13	Presented to Governor (3/10)	1068
Mar.	16	Approved by Governor (3/15)	1152

LEGISLATIVE BILL 353. By Kristensen

Jan.	11	Read first time	250
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Feb.	8	Notice of hearing (2/24)	637
Feb.	28	Placed on General File	935

LEGISLATIVE BILL 354. By Kristensen

Jan.	11	Read first time	250
Jan.	17	Referred to Committee on Judiciary	316
Jan.	18	Notice of hearing (1/25)	366
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 355. By Kristensen

Jan.	11	Read first time	250
Jan.	17	Referred to Committee on General Affairs	316
Jan.	20	Notice of hearing (1/30)	439
Apr.	20	Placed on General File - Com AM1722	1759
May	17	Vrtiska AM2207 and AM2206 printed	2253

LEGISLATIVE BILL 356. By Agriculture Committee and Schrock

Jan.	11	Read first time	250
Jan.	17	Referred to Committee on Agriculture	316
Jan.	27	Notice of hearing (2/7)	509
Feb.	9	Placed on General File - Com AM0317	693
Apr.	25	Committee AM0317 adopted. Advanced for Review	1811
Apr.	25	Placed on Select File - AM7129	1829
Apr.	27	AM7129 (E & R) adopted. Advanced for Engrossment	1867
May	2	Correctly Engrossed	1922
May	10	Final Reading 41-0-8	2099
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 357. By Dierks, Coordsen, Schellpeper

Jan.	11	Read first time	250
Jan.	17	Referred to Committee on Agriculture	316
Feb.	2	Notice of hearing (2/28)	584
Mar.	7	Agriculture Committee priority bill	1002
Mar.	7	Placed on General File	1010

LEGISLATIVE BILL 358. By Dierks

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Natural Resources	316
Feb.	28	Notice of hearing (3/9)	941
Apr.	6	Indefinitely postponed	1528

LEGISLATIVE BILL 359. By Dierks

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Natural Resources	316
Feb.	22	Notice of hearing (3/2)	830

LEGISLATIVE BILL 360. By Dierks, McKenzie

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Education	316
Jan.	23	Notice of hearing (1/30)	446
Feb.	2	Indefinitely postponed	582

LEGISLATIVE BILL 361. By Will

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Urban Affairs	316
Jan.	20	Rereferred to Committee on Nebraska Retirement Systems	440
Jan.	24	Notice of hearing (1/31)	461
May	24	Placed on General File - Com AM2416	2505

LEGISLATIVE BILL 362. By Will

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Revenue	316
Feb.	1	Notice of hearing (2/10)	569

LEGISLATIVE BILL 363. By Will

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Transportation	316
Jan.	20	Notice of hearing (1/30)	440
Feb.	7	Indefinitely postponed	634

LEGISLATIVE BILL 364. By Schimek, Crosby

Jan.	11	Read first time	251
Jan.	17	Referred to Committee on Revenue	316
Feb.	1	Notice of hearing (2/9)	569

LEGISLATIVE BILL 365. By Abboud, Preister, Schimek

Jan.	11	Read first time	252
Jan.	17	Referred to Committee on Business and Labor	316
Jan.	30	Notice of hearing (2/6)	523
Feb.	22	Placed on General File	841
Mar.	9	Business and Labor Committee priority bill	1030
Mar.	13	Vrtiska-Bromm AM0427 printed	1072
Mar.	14	Bromm AM0839 and AM0952 printed	1118
May	11	Vrtiska-Bromm pending AM0427 p. 1072 adopted. Bromm pending AM0839 and AM0952 p. 1118, and Witek AM2160 withdrawn. Advanced for Review	2128
May	16	Placed on Select File - AM7157	2203
May	24	Warner AM2423 printed	2497
May	30	AM7157 (E & R) adopted. Warner pending AM2423 p. 2497 adopted. Advanced for Engrossment	2625
May	30	Correctly Engrossed	2648
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 27-17-5	2717
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 366. By Bromm, Dierks, Janssen, Jones

Jan.	11	Read first time	252
Jan.	17	Referred to Committee on Health and Human Services	316
Jan.	18	Notice of hearing (1/27)	366
Jan.	31	Placed on General File - Com AM0039	549
Feb.	14	Committee AM0039 adopted. Advanced for Review	746
Feb.	21	Placed on Select File - AM7044	787
Feb.	28	AM7044 (E & R) adopted. Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 38-0-11	1305
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334

Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 367. By Wehrbein, Hudkins

Jan.	11	Read first time	252
Jan.	17	Referred to Committee on Judiciary	316
Feb.	22	Notice of hearing (3/1)	831

LEGISLATIVE BILL 368. By Nebraska Retirement Systems Committee

Jan.	11	Read first time	252
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Feb.	1	Notice of hearing (2/8)	568
Feb.	22	Placed on General File - Com AM0541 (printed separate)	836

LEGISLATIVE BILL 369. By Nebraska Retirement Systems Committee

Jan.	11	Read first time	253
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Jan.	20	Notice of hearing (1/27)	439
Jan.	31	Placed on General File - Com AM0138	549
Feb.	10	Committee AM0138 adopted. Advanced for Review	711
Feb.	13	Placed on Select File - AM7043	726
Feb.	28	AM7043 (E & R) adopted. Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	968
May	22	Returned to Select File for Wickersham amendment. Wickersham AM2377 (on file) adopted. Advanced for Reengrossment	2402
May	23	Correctly Reengrossed	2474
June	1	Final Reading 42-1-6	2704
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/7)	2752

(Provisions/portions of LB 562 amended into LB 369 by AM2377)
(Provisions/portions of LB 701 amended into LB 369 by AM2377)

LEGISLATIVE BILL 369A. By Wickersham

Feb.	6	Read first time. Placed on General File	617
Feb.	10	Advanced for Review	711
Feb.	13	Placed on Select File	726
Feb.	28	Advanced for Engrossment	934

Mar.	6	Correctly Engrossed	968
May	22	Returned to Select File for Wickersham amendment. Wickersham AM2410 adopted. Advanced for Reengrossment	2403
May	23	Correctly Reengrossed. ER9089 change	2474
June	1	Final Reading 42-1-6	2705
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/7)	2752

LEGISLATIVE BILL 370. By Wickersham

Jan.	11	Read first time	253
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Jan.	20	Notice of hearing (1/27)	439

LEGISLATIVE BILL 371. By Lindsay, Hudkins, Pedersen, at the request of the Governor

Jan.	11	Read first time	253
Jan.	11	Fisher name added	255
Jan.	17	Referred to Committee on Judiciary	316
Jan.	24	Will name added	467
Feb.	1	Notice of hearing (2/8)	569
Mar.	6	Placed on General File - Com AM0747	990
Mar.	14	Withem priority bill	1116
Mar.	15	Withem AM0998 printed	1128
Apr.	4	Landis AM1339 printed	1472
Apr.	25	Hudkins AM1257 printed	1810
Apr.	25	Witek AM1487 printed	1821
Apr.	25	Witek AM1417 printed	1824
Apr.	26	Pirsch AM1735 and AM1827 to committee AM0747 printed	1849
Apr.	26	Pirsch AM1837 printed	1850
Apr.	26	Pedersen AM0863 printed	1851
Apr.	26	Pedersen AM1237 printed	1852
Apr.	26	Pedersen AM1238 printed	1853
Apr.	26	Chambers AM1832 (on file) printed	1857
Apr.	27	Withem-Bernard-Stevens AM1865 to committee AM0747 printed	1896
May	3	Bromm AM1874 printed	1942
May	3	Lindsay AM1920 and AM1933 to committee AM0747 printed	1944
May	3	Lindsay AM1934 to committee AM0747 printed	1945
May	3	Pedersen AM1943 to committee AM0747 printed	1946
May	3	Lindsay AM1957 to committee AM0747 printed	1947
May	3	Rereferred to Judiciary Committee (Rule 6, Sec. 3(h))	1948

May	3	Fisher AM1918 to committee AM0747 printed	1954
May	3	Maurstad AM1959 to committee AM0747 printed	1959
May	4	Judiciary Committee executive session	1984
May	9	Replaced on General File - Com AM2061	2068
May	9	Lindsay AM2063 printed separate	2077
May	9	Withem AM2109 printed	2078
May	9	Maurstad AM2085 to committee AM2061 printed	2079
May	17	Wesely AM2247 to committee AM2061 printed	2309
May	18	Chambers request for division of question on committee AM2061 sustained. Committee FA246 adopted. Committee FA239 adopted as amended by Chambers FA247	2337
May	18	Committee FA240 adopted as amended by Withem-Bernard-Stevens pending AM2109 p. 2078. Committee FA241 adopted. Chambers AM2349 lost. Committee FA242 and Witek FA248 to FA242 pending	2340
May	18	Committee FA242 adopted as amended by Chambers FA249. Witek pending FA248 p. 2347 withdrawn	2351
May	18	Committee FA243 pending. Chambers FA250 to committee FA243 adopted	2352
May	18	Committee FA243 adopted as amended. Lindsay motion to invoke cloture prevailed. Committee FA244 and FA245 adopted. Advanced for Review	2354
May	18	Chambers FA251 printed	2356
May	18	Chambers FA252 and AM0453 printed	2357
May	22	Placed on Select File - AM7163 (printed separate)	2407
May	22	Wesely AM2396 to AM7163 printed	2418
May	23	Beutler AM2445, AM2449, AM2448, AM2446, and AM2447 to AM7163 printed	2441
May	23	Beutler AM2444 to AM7163 printed	2442
May	23	Cudaback AM2467 to AM7163 printed	2455
May	23	Wesely AM2249 printed	2491
May	23	Wesely AM2300 printed	2493
May	24	AM7163 (E & R) adopted. Lindsay request for ruling on the order amendments will be considered. Chair ruled amendments will be taken up in order of filing; and all amendments to committee amendment will be refiled. Challenge of Chair withdrawn. Lindsay request to substitute amendment prevailed. Withem pending AM0998 p. 1128 withdrawn. Lindsay substitute AM2502 (on file) pending. Lindsay request to substitute amendment prevailed. Lindsay pending AM2502 withdrawn. Lindsay substitute AM2507 sustained	

		division of question. Lindsay FA292 lost. Maurstad AM2316 ruled germane. Challenge of Chair prevailed	2520
May	24	Lindsay FA293 pending. Cudaback FA302 to FA293 adopted. Lindsay FA303 to FA293 pending. Bernard-Stevens motion to reconsider FA302 prevailed. Cudaback reconsidered FA302 p. 2534 lost	2533
May	24	Lindsay pending FA303 p. 2535 withdrawn. Chambers FA304 to FA293 pending. Lindsay request to withdraw FA293 and remaining portions of AM2507. Objection by Chambers. Lindsay motion to withdraw FA293 and remaining portions of AM2507 prevailed	2542
May	24	Chambers motion to bracket until 6/5/95 lost. Landis pending AM1339 p. 1472 pending. Chambers FA305, FA306, and FA307 lost. Lindsay-Beutler-Bromm AM2515 to AM1339 ruled not germane. Challenge of Chair prevailed. Lindsay motion to invoke cloture lost	2551
May	24	Chambers AM1832 (on file) printed	2558
May	30	Wehrbein AM2579 printed	2625
May	31	Lindsay et al pending AM2515 p. 2553 sustained division of question. Lindsay et al FA341 to AM1339 adopted. Chambers motion to reconsider FA341 lost. Chambers motion to bracket until 1/10/96 lost. Lindsay motion to invoke cloture prevailed. Landis AM1339 p. 1472 adopted as amended by balance of Lindsay et al AM2515 p. 2553. Advanced for Engrossment	2654
May	31	Wehrbein AM2591 and AM2590 printed	2663
May	31	Correctly Engrossed. ER9106 change	2677
June	1	Abboud name added	2724
June	8	Attorney General's Opinion #95047 to Witek	2756
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Chambers motion to bracket ruled out of order. Chambers challenge of Chair prevailed. Chambers pending motion to bracket lost	2776
June	8	Considered on Final Reading	2778
June	8	Final Reading 40-7-2	2779
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

(Provisions/portions of LB 471 amended into LB 371 by AM1339)

LEGISLATIVE BILL 371A. By Lindsay

May	18	Read first time. Placed on General File	2350
May	19	Lindsay AM2374 printed	2383
May	31	Lindsay pending AM2374 p. 2383 withdrawn. Lindsay motion to indefinitely postpone prevailed	2661
May	31	Lindsay AM2592 printed	2664

LEGISLATIVE BILL 372. By Chambers

Jan.	12	Read first time	260
Jan.	17	Referred to Committee on Education	316
Jan.	30	Notice of hearing (2/6)	523
Feb.	13	Placed on General File - Com AM0383	723
Mar.	30	Committee AM0383 adopted. Advanced for Review	1437
Apr.	6	Placed on Select File	1523
Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed. ER9047 change	1602
Apr.	21	Final Reading 40-0-9	1770
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 373. By Dierks

Jan.	12	Read first time	260
Jan.	17	Referred to Committee on Health and Human Services	316
Jan.	18	Notice of hearing (1/25)	366
Jan.	26	McKenzie name added	504
Feb.	14	Placed on General File - Com AM0301	729

LEGISLATIVE BILL 373A. By Dierks

Mar.	16	Read first time. Placed on General File	1170

LEGISLATIVE BILL 374. By Schellpeper

Jan.	12	Read first time	260
Jan.	17	Referred to Committee on Natural Resources	316
Feb.	28	Notice of hearing (3/8)	941
Mar.	16	Indefinitely postponed	1169

LEGISLATIVE BILL 375. By Schellpeper

Jan.	12	Read first time	260
Jan.	17	Referred to Committee on Government,	

		Military and Veterans Affairs	316
Feb.	23	Notice of hearing (3/9)	851
Mar.	15	Placed on General File	1130

LEGISLATIVE BILL 376. By McKenzie

Jan.	12	Read first time	260
Jan.	17	Referred to Committee on Natural Resources	316
Feb.	8	Notice of hearing (2/16)	663
Feb.	22	Placed on General File	830
Apr.	13	Advanced for Review	1662
Apr.	18	Placed on Select File - AM7111	1690
Apr.	25	AM7111 (E & R) adopted. Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed. ER9060 change	1856
May	31	Final Reading 42-0-7	2671
May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	8	Approved by Governor (6/2)	2750

LEGISLATIVE BILL 377. By McKenzie

Jan.	12	Read first time	261
Jan.	17	Referred to Committee on Revenue	316
Jan.	19	Notice of hearing (1/27)	429
Feb.	22	McKenzie priority bill	842
Feb.	27	Placed on General File - Com AM0614	919
Mar.	2	Schrock AM0686 lost	956
Mar.	2	Committee AM0614 adopted as amended by Warner-McKenzie FA73. Advanced for Review	963
Mar.	2	Kristensen explanation of vote	964
Mar.	7	Placed on Select File - AM7050	1007
Mar.	21	McKenzie AM1076 printed	1207
Mar.	22	AM7050 (E & R) adopted. Withem FA81 withdrawn. McKenzie AM1076 p. 1207 pending as amended by McKenzie AM1120. Bernard-Stevens FA82 to AM1076 pending. Bracketed	1225
Mar.	22	Kristensen AM1137 to AM1076 printed	1235
Mar.	22	Bernard-Stevens-Wehrbein-Withem-McKenzie AM1166 to AM1076 printed	1264
Mar.	24	Unbracketed	1317
Mar.	27	Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending FA82 p. 1225 withdrawn. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens et al substitute AM1166 p. 1264 withdrawn. Bernard-	

		Stevens substitute FA95 to AM1076 adopted. Schrock AM1117 lost	1348
Mar.	27	McKenzie pending AM1076 p. 1207 adopted as amended by Schrock AM1133 and Kristensen pending AM1137 p. 1235. Bernard-Stevens FA96 adopted. Advanced for Engrossment	1359
Mar.	30	Correctly Engrossed	1431
Mar.	30	ER9027 change	1432
May	10	Withem AM2118 printed	2109
May	22	Withem AM2218 printed	2397
May	30	Attorney General's Opinion #95043 to McKenzie	2608
May	30	Withem motion to return to Select File for AM2118 p. 2109 withdrawn. Withem pending AM2218 p. 2397 withdrawn	2626
May	31	Final Reading w/E 42-0-7	2671
May	31	President signed	2675
May	31	Stuhr explanation of vote. Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2730

LEGISLATIVE BILL 377A. By McKenzie

Mar.	22	Read first time. Placed on General File	1264
Mar.	24	Advanced for Review	1313
Mar.	27	Placed on Select File	1348
Apr.	11	Advanced for Engrossment	1606
Apr.	11	Correctly Engrossed	1614
May	31	Final Reading w/E 40-0-9	2672
May	31	President signed	2675
May	31	Stuhr explanation of vote. Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2730

LEGISLATIVE BILL 378. By Wickersham

Jan.	12	Read first time	261
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Feb.	1	Notice of hearing (2/8)	568

LEGISLATIVE BILL 379. By Hall

Jan.	12	Read first time	261
Jan.	17	Referred to Committee on Revenue	316
Jan.	19	Will name added	430
Feb.	1	Notice of hearing (2/16)	569
Mar.	13	Indefinitely postponed	1085

LEGISLATIVE BILL 380. By Warner

Jan.	12	Read first time	274
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Jan.	31	Notice of hearing (2/9)	539
Feb.	22	Indefinitely postponed	826

LEGISLATIVE BILL 381. By Lynch, Schmitt

Jan.	12	Read first time	274
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Jan.	18	Crosby name added	367
Jan.	31	Notice of hearing (2/9)	539
Feb.	13	Placed on General File	723
Mar.	30	Advanced for Review	1437
Apr.	6	Placed on Select File - AM7093	1523
Apr.	7	AM7093 (E & R) adopted. Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading w/E 38-2-9	1771
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 381A. By Lynch

Mar.	2	Read first time. Placed on General File	959
Mar.	30	Advanced for Review	1438
Apr.	6	Placed on Select File	1523
Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading w/E 37-0-12	1772
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 382. By Lynch, Preister

Jan.	12	Read first time	274
Jan.	17	Referred to Committee on Business and Labor	316
Jan.	30	Notice of hearing (2/6)	523
Feb.	22	Placed on General File	841
Mar.	13	Lynch priority bill	1068
Apr.	25	Advanced for Review	1813
Apr.	26	Placed on Select File - AM7130	1857
May	19	AM7130 (E & R) adopted. Advanced for Engrossment	2370
May	22	Correctly Engrossed	2398

May	30	Final Reading 44-1-4	2643
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 383. By Hillman, Robak

Jan.	12	Read first time	274
Jan.	17	Referred to Committee on Transportation	316
Feb.	14	Notice of hearing (3/6)	745
May	31	Placed on General File	2664

LEGISLATIVE BILL 384. By Landis

Jan.	12	Read first time	274
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	316
Jan.	23	Notice of hearing (1/31)	448
Feb.	2	Placed on General File	582
Mar.	14	Landis priority bill	1099
Mar.	16	Advanced for Review	1164
Mar.	21	Placed on Select File - AM7066	1197
Mar.	29	Landis-Fisher AM1357 printed	1406
Mar.	29	Fisher name added	1420
Mar.	30	AM7066 (E & R) adopted. Landis-Fisher pending AM1357 p. 1406 adopted. Advanced for Engrossment	1424
Apr.	4	Correctly Engrossed	1448
Apr.	4	ER9033 change	1449
May	11	Landis AM1817 printed separate	2146
May	17	Lindsay-Hall AM2303 printed separate	2315
May	19	Landis AM2305 printed separate	2374
May	22	Landis pending AM1817 p. 2146 and Lindsay-Hall pending AM2303 p. 2315 withdrawn. Returned to Select File for Landis amendment. Landis pending AM2305 p. 2374 adopted. Advanced for Reengrossment	2403
May	23	Correctly Reengrossed. ER9091 change	2481
June	1	Final Reading w/E 40-1-8	2706
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 615 amended into LB 384 by AM2305)
(Provisions/portions of LB 631 amended into LB 384 by AM1357)
(Provisions/portions of LB 725 amended into LB 384 by AM1357)
(Provisions/portions of LB 882 amended into LB 384 by AM1357)

LEGISLATIVE BILL 385. By Landis

Jan.	12	Read first time	275
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	316
Feb.	6	Notice of hearing (2/13	617
Feb.	16	Placed on General File - Com AM0448	779
Feb.	27	Landis AM0498 printed	919
Mar.	14	Banking, Commerce and Insurance Committee priority bill	1099
Mar.	27	Landis AM1271 printed	1368
Apr.	13	Committee AM0448 adopted. Landis pending AM0498 p. 919 withdrawn. Landis pending AM1271 p. 1368 adopted. Advanced for Review	1661
Apr.	18	Placed on Select File	1689
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	4	Final Reading 41-0-8	1971
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 386. By Revenue Committee

Jan.	12	Read first time	275
Jan.	17	Referred to Committee on Revenue	316
Jan.	19	Notice of hearing (1/26)	429
Jan.	30	Placed on General File - Com AM0116	529
Feb.	2	Warner AM0220 to committee AM0116 printed	595
Feb.	6	Warner AM0243 to committee AM0116 printed	618
Feb.	7	Warner pending AM0220 p. 595 withdrawn. Committee AM0116 adopted as amended by Warner pending AM0243 p. 618. Advanced for Review	628
Feb.	10	Placed on Select File - AM7033	707
Feb.	15	Warner AM0433 printed	757
Mar.	22	AM7033 (E & R) adopted. Warner pending AM0433 p. 757 withdrawn. Advanced for Engrossment	1225
Mar.	22	Correctly Engrossed	1252
May	18	Kristensen AM2327 printed	2347
May	22	Returned to Select File for Kristensen amendment. Kristensen pending AM2327 p. 2347 adopted. Advanced for Reengrossment	2404
May	23	Correctly Reengrossed	2481
June	1	Final Reading 39-0-10	2707
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 387. By Day

Jan.	12	Read first time	275
Jan.	17	Referred to Committee on Health and Human Services	316
Feb.	8	Notice of hearing (2/16)	664
Mar.	27	Indefinitely postponed	1336

LEGISLATIVE BILL 388. By Bromm, Avery, Beutler, Crosby, Cudaback, Hudkins, Janssen, Jones, Lynch, Pedersen, Pirsch, Preister

Jan.	12	Read first time	275
Jan.	17	Referred to Committee on Judiciary	316
Feb.	16	Notice of hearing (2/23)	784
Apr.	5	Placed on General File	1493

LEGISLATIVE BILL 389. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	275
Jan.	17	Referred to Committee on Appropriations	316
Jan.	30	Notice of hearing (2/16)	524
Apr.	27	Placed on General File - Com AM1755 (printed separate)	1883
May	4	Committee AM1755 adopted. Advanced for Review	1985
May	5	Placed on Select File - AM7145	2011
May	9	Wehrbein-Hillman AM2077 printed	2067
May	10	AM7145 (E & R) adopted. Wehrbein-Hillman pending AM2077 p. 2067 adopted. Advanced for Engrossment	2102
May	16	Correctly Engrossed	2150
May	25	Final Reading w/E 42-0-7	2570
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Approved by Governor with line-item veto (5/29)	2598
May	31	Appropriations Committee Report	2652
June	8	Appropriations Committee motion to override line-item vetoes passed 30-15-4 (sections 11, 34, 88, 107, 108, 109, 111, and 162)	2766
June	8	Communication	2785
June	8	Certificate	2786
June	14	Message from Secretary of State	2799
June	14	Certificate	2800

LEGISLATIVE BILL 390. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	276
Jan.	17	Referred to Committee on Appropriations	316

Jan.	30	Notice of hearing (2/16)	524
Apr.	27	Placed on General File - Com AM1758	1883
May	4	Committee AM1758 adopted. Advanced for Review	1985
May	5	Placed on Select File - AM7146	2011
May	9	Wehrbein-Hillman AM2078 printed	2066
May	10	AM7146 (E & R) adopted. Wehrbein-Hillman pending AM2078 p. 2066 adopted. Advanced for Engrossment	2103
May	16	Correctly Engrossed. ER9078 change	2150
May	25	Final Reading w/E 37-2-10	2571
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 391. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	276
Jan.	17	Referred to Committee on Appropriations	316
Jan.	30	Notice of hearing (2/16)	524
Apr.	27	Placed on General File - Com AM1756 (printed separate)	1885
May	3	Beutler AM1896 to committee AM1756 printed	1954
May	4	Beutler pending AM1896 p. 1954 lost. Committee AM1756 adopted. Advanced for Review	1987
May	5	Placed on Select File - AM7147	2011
May	8	AM7147 (E & R) adopted. Advanced for Engrossment	2029
May	8	Pedersen-Avery AM2030 printed	2034
May	10	Correctly Engrossed. ER9073 change	2122
May	17	Pedersen motion to return to Select File for AM2030 p. 2034 withdrawn. Chambers motion to bracket until 6/1/95 withdrawn. Final Reading w/E 43-0-6	2238
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor with line-item vetoes (5/23)	2483
May	24	Appropriations Committee report	2540
May	30	Appropriations Committee motion to override line-item vetoes laid over	2625
May	30	Hall motion to override line-item vetoes laid over	2634
June	1	Appropriations Committee pending motion p. 2625 to override veto pending. Chambers request for division of question on motion ruled out of order. Challenge of Chair lost	2742
June	1	Chambers FA352 to motion p. 2625 lost. Appropriations Committee pending motion	

		p. 2625 to override veto passed 30-14-5	2745
June	1	Hall pending motion p. 2634 withdrawn	2746
June	1	Communication and Certificate	2747
June	8	Message from Secretary of State	2753
June	8	Certificate	2754

LEGISLATIVE BILL 392. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	276
Jan.	17	Referred to Committee on Appropriations	316
Jan.	30	Notice of hearing (2/16)	524
Apr.	27	Placed on General File - Com AM1754 (printed separate)	1886
May	2	Wehrbein AM1906 printed	1923
May	4	Committee AM1754 adopted as amended by Wehrbein pending AM1906 p. 1923. Avery AM1983 and Vrtiska AM1956 lost. Bernard-Stevens motion to indefinitely postpone withdrawn. Advanced for Review	1992
May	4	Avery AM1984 , Bernard-Stevens AM1999, and AM1987 printed	2000
May	4	Bernard-Stevens FA193 printed	2001
May	5	Avery AM1992 and AM1994 printed	2008
May	5	Placed on Select File - AM7144	2012
May	8	Lindsay AM2039 and Bernard-Stevens AM2029 printed	2030
May	8	Bernard-Stevens AM2052 printed	2031
May	9	Hall AM2075 printed	2049
May	9	Vrtiska AM2066 printed	2059
May	9	Hall AM1969 printed	2060
May	9	Wehrbein-Hillman AM2076 printed	2065
May	9	Wesely AM2069 printed	2076
May	9	Witek AM2067 and Bernard-Stevens AM2089 printed	2077
May	10	AM7144 (E & R) adopted. Avery request to substitute amendment. Bernard-Stevens objection. Avery pending AM1984 p. 2000 passed over. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM1999 p. 2000 and pending substitute AM2052 p. 2031 withdrawn. Bernard-Stevens pending AM1987 p. 2000 lost. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending FA193 p. 2001 withdrawn. Hall-Abboud-Lindsay-Jensen-Pedersen-Preister-Hartnett-Witek-Pirsch substitute AM2122 lost. Chambers motion	

		to bracket until 5/11/95 withdrawn	2103
May	11	Robinson-Jensen-Abboud-Coordsen-Dierks-Cudaback-Jones-Vrtiska-Hudkins-Stuhr-Bohlke-McKenzie motion to bracket until 5/17/95 pending. Warner FA217 to the motion to bracket ruled not germane. Wesely request for ruling on bracket motion ruled properly before Legislature. Chambers FA218 to the motion to bracket pending	2133
May	11	Chambers pending FA218 p. 2134 and Robinson et al pending motion p. 2133 withdrawn. Avery pending AM1992 p. 2008 lost. Avery pending AM1994 p. 2008 withdrawn. Avery request to substitute AM1991. Crosby objected. Avery AM1991 withdrawn. Avery AM1993 lost. Lindsay pending AM2039 p. 2030 and Bernard-Stevens pending AM2029 p. 2030 withdrawn. Hall pending AM2075 p. 2049 lost. Vrtiska request to substitute AM2066. Beutler objected. Vrtiska AM2066, Bromm FA220, and Hall pending AM1969 p. 2060 lost	2138
May	11	Bernard-Stevens motion to reconsider action on pending AM1987 p. 2000 laid over	2145
May	16	Witek AM2090 printed	2151
May	16	Witek AM2163 printed	2152
May	16	Wehrbein-Hillman pending AM2076 p. 2065 adopted. Wesely request to substitute amendment prevailed. Wesely pending AM2069 p. 2076 withdrawn. Wesely substitute AM2220 adopted. Witek pending AM2067 p. 2077 lost. Bernard-Stevens pending motion p. 2145 prevailed and pending AM1987 p. 2000 adopted	2155
May	16	Hillman-Brashear AM2183 printed	2219
May	17	Bernard-Stevens pending AM2089 p. 2077 withdrawn. Avery AM1985 pending	2249
May	17	Avery pending AM1985 p. 2249 lost. Avery pending AM1984 p. 2000 and Jensen AM2045 withdrawn	2250
May	18	Witek pending AM2090 p. 2151 lost. Witek pending AM2163 p. 2152 pending. Withem motion to invoke cloture lost	2325
May	22	Witek pending AM2163 p. 2152 and Beutler AM2209 lost	2393
May	22	Wehrbein AM2189 and Avery AM2071 withdrawn. Brashear-Hillman pending AM2183 p. 2219 lost. Withem motion to suspend rules and and vote without further debate prevailed.	

		Advanced for Engrossment	2398
May	22	Lindsay AM2414 printed	2407
May	22	Correctly Engrossed. ER9079 change	2416
May	24	Withem motion to suspend rules prevailed	2498
May	24	Lindsay pending AM2414 p. 2407 withdrawn. Final Reading w/E 34-9-6	2500
May	24	President signed	2501
May	24	Lindsay explanation of vote	2504
May	24	Presented to Governor (5/24)	2505
May	30	Approved by Governor with line-item vetoes (5/29)	2598
May	30	Hall motion to override line-item vetoes laid over	2634
May	30	Hall motion to override line-item veto on section 109 laid over. Hall motion to override line-item veto on sections 41, 43, and 45 laid over. Hall motion to override line-item veto on sections 96, 98, and 100 laid over. Hall motion to override line-item veto on section 18 laid over. Hall motion to override line-item veto on section 104 laid over. Hall motion to override line-item veto on sections 208 and 209 laid over	2635
May	30	Bernard-Stevens motion to override line-item veto on section 146 laid over	2636
May	31	Appropriations Committee Report	2653
May	31	Bernard-Stevens motion to override line-item veto on section 147 laid over	2677
June	1	Lynch motion to override line-item veto on section 100 laid over	2726
June	8	Appropriations Committee motion on line-item vetoes passed 33-16-0 (sec. 41, 45, 98, 100, 109, 146, and 157), as amended by Hall FA368 (sec. 18, 43, and 104). Chambers FA353 and FA367 lost	2716
June	8	Hall pending motions pp. 2634-2635, Bernard-Stevens pending motions pp. 2636 and 2677, and Lynch pending motion p. 2726 to override line-item vetoes withdrawn	2765
June	8	Communication	2786
June	8	Certificate	2787
June	14	Message from Secretary of State	2797
June	14	Certificate	2798

LEGISLATIVE BILL 393. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	276
Jan.	17	Referred to Committee on Appropriations	316

Jan.	30	Notice of hearing (2/16)	524
Apr.	27	Placed on General File	1886
May	4	Advanced for Review	1994
May	5	Placed on Select File	2012
May	8	Chambers FA199 withdrawn. Advanced for Engrossment	2029
May	10	Correctly Engrossed	2122
May	17	Final Reading w/E 43-0-6	2239
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 394. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	276
Jan.	17	Referred to Committee on Appropriations	316
Jan.	30	Notice of hearing (2/16)	524
Mar.	30	Withem AM1179 printed	1442
Mar.	30	Withem AM1178 printed	1443
Apr.	27	Placed on General File - Com AM1757	1886
May	2	Withem AM1841 to committee AM1757 printed	1911
May	16	Withem pending AM1841 p. 1911 pending	2159
May	16	Withem pending AM1841 p. 1911 lost	2169
May	16	Chambers motion to reconsider AM1841 p. 1911 laid over	2172
May	18	Wehrbein AM2287 to committee AM1757 printed	2327
May	19	Committee AM1757 adopted as amended by Wehrbein pending AM2287 p. 2327. Chambers pending motion to reconsider AM1841 withdrawn. Withem pending AM1179 p. 1442 and AM1178 p. 1443 withdrawn. Advanced for Review	2367
May	19	Placed on Select File - AM7162	2378
May	22	AM7162 (E & R) adopted. Advanced for Engrossment	2401
May	22	Correctly Engrossed	2416
May	22	ER9087 change	2417
May	24	Withem motion to suspend rules prevailed	2498
May	24	Final Reading w/E 44-0-5. President signed	2501
May	24	Presented to Governor (5/24)	2505
May	30	Approved by Governor (5/29)	2597

LEGISLATIVE BILL 395. By Speaker Withem, at the request of the Governor

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Appropriations	317
Jan.	30	Notice of hearing (2/16)	524

Apr.	27	Placed on General File - Com AM1795	1886
May	4	Committee AM1795 adopted. Advanced for Review	1994
May	5	Placed on Select File - AM7143	2012
May	8	AM7143 (E & R) adopted. Advanced for Engrossment	2029
May	10	Correctly Engrossed	2122
May	17	Final Reading w/E 42-0-7	2240
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 396. By Beutler

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Judiciary	317
Jan.	20	Notice of hearing (1/27)	439
Feb.	14	Placed on General File - Com AM0221	746
Mar.	30	Committee AM0221 adopted. Advanced for Review	1438
Apr.	6	Placed on Select File - AM7098	1524
Apr.	13	AM7098 (E & R) adopted. Beutler AM1635 adopted. Advanced for Engrossment	1654
Apr.	20	Correctly Engrossed	1754
Apr.	27	Final Reading 40-0-9	1875
Apr.	27	President signed	1880
Apr.	27	Schmitt explanation of vote. Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 397. By Lindsay

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	317
Jan.	23	Notice of hearing (1/31)	448
Feb.	24	Placed on General File - Com AM0544	883
Apr.	13	Committee AM0544 adopted. Advanced for Review	1664
Apr.	19	Placed on Select File - AM7114	1711
Apr.	25	Bromm AM1377 printed	1815
Apr.	27	AM7114 (E & R) adopted. Bromm pending AM1377 p. 1815 adopted. Advanced for Engrossment	1865
May	2	Correctly Engrossed	1922
May	10	Beutler motion to return to Select File for AM2011 withdrawn. Final Reading 34-5-10	2100
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 398. By Lynch

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Business and Labor	317
Feb.	21	Notice of hearing (3/6)	792
Mar.	8	Indefinitely postponed	1021

LEGISLATIVE BILL 399. By Brashear, Abboud, Avery, Beutler, Bohlke, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Hartnett, Hillman, Hudkins, Janssen, Jensen, Jones, Kristensen, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Preister, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	8	Notice of hearing (2/15)	636
Mar.	10	Brown priority bill	1065
Mar.	14	Placed on General File - Com AM0645	1097
Mar.	24	Bernard-Stevens AM1187 printed	1284
Mar.	24	Committee AM0645 adopted. Bernard-Stevens pending AM1187 p. 1284 adopted. Advanced for Review	1316
Mar.	28	Placed on Select File - AM7079	1374
Apr.	4	Brashear-Hall AM1386 to AM7079 printed	1476
Apr.	27	AM7079 (E & R) adopted. Brashear-Hall pending AM1386 p. 1476 adopted. Advanced for Engrossment	1899
May	3	Correctly Engrossed	1948
May	19	Brashear AM2325 printed	2377
May	22	Brashear pending AM2325 p. 2377 withdrawn. Returned to Select File for Brashear amendment. Brashear AM2420 adopted. Advanced for Reengrossment	2404
May	23	Correctly Reengrossed	2481
June	1	Final Reading w/E 40-0-9	2708
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 400. By Hall

Jan.	12	Read first time	277
Jan.	17	Referred to Committee on Business and Labor	317
Feb.	7	Notice of hearing (2/27)	629
Mar.	7	Indefinitely postponed	1010

LEGISLATIVE BILL 401. By Wesely, Brown

Jan.	12	Read first time	278
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/25)	366
Jan.	31	Placed on General File - Com AM0150	549
Feb.	14	Committee AM0150 adopted. Advanced for Review	746
Feb.	21	Placed on Select File - AM7046 (printed separate)	787
Feb.	28	AM7046 (E & R) adopted. Advanced for Engrossment	934
Mar.	6	Correctly Engrossed. ER9019 change	982
May	30	Final Reading 46-1-2	2644
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 401A. By Wesely

Feb.	24	Read first time. Placed on General File	889
Mar.	2	Advanced for Review	956
Mar.	6	Placed on Select File	972
Mar.	22	Advanced for Engrossment	1217
Mar.	22	Correctly Engrossed	1235
May	30	Final Reading 45-1-3	2645
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 402. By Health and Human Services Committee

Jan.	12	Read first time	278
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/27)	366
Jan.	31	Placed on General File - Com AM0156	550
Feb.	14	Committee AM0156 adopted. Advanced for Review	747
Feb.	21	Placed on Select File - AM7045	787
Feb.	28	AM7045 (E & R) adopted. Advanced for Engrossment	934
Mar.	6	Correctly Engrossed	982
Mar.	6	ER9021 change	983
Mar.	24	Final Reading 39-0-10	1306
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334

Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 403. By Health and Human Services Committee

Jan.	12	Read first time	278
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/26)	366
Feb.	6	Placed on General File - Com AM0250	622

(Provisions/portions of LB 403 amended into LB 406 by AM0837)

LEGISLATIVE BILL 404. By Health and Human Services Committee

Jan.	12	Read first time	278
Jan.	17	Referred to Committee on Judiciary	317
Jan.	18	Notice of hearing (1/25)	366
Feb.	13	Indefinitely postponed	726

(Provisions/portions of LB 404 amended into LB 406 by AM1346)

LEGISLATIVE BILL 405. By Wesely

Jan.	12	Read first time	279
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/26)	366
Feb.	8	Placed on General File - Com AM0248	675

(Provisions/portions of LB 405 amended into LB 406 by AM1118)

LEGISLATIVE BILL 405A. By Wesely

Mar.	7	Read first time. Placed on General File	1013

LEGISLATIVE BILL 406. By Health and Human Services Committee

Jan.	12	Read first time	279
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/26)	366
Feb.	15	Placed on General File - Com AM0321	763
Mar.	2	Health and Human Services Committee priority bill	967
Mar.	6	Wesely AM0771 to committee AM0321 printed	985
Mar.	6	Wesely AM0800 to committee AM0321 printed	987
Mar.	7	Wesely AM0837 to committee AM0321 printed	1014
Mar.	9	Committee AM0321 adopted as amended by	

	Wesely pending AM0800 p. 987. Wesely pending AM0771 p. 985 withdrawn. Wesely pending AM0837 p. 1014 adopted. Advanced for Review	1037
Mar. 15	Placed on Select File - AM7056 (printed separate)	1121
Mar. 22	Wesely AM1118 and Dierks AM1122 printed separate	1250
Mar. 27	Wesely AM1190 to AM1118 printed	1371
Mar. 28	Hall-Wesely AM1228 printed separate	1386
Mar. 30	Wesely AM1346 printed separate	1444
Apr. 4	Bohlke AM0909 to AM7056 printed	1476
Apr. 4	Bohlke FA113 to AM1118 printed	1477
Apr. 5	Bohlke AM1460 to AM1118 printed	1503
Apr. 12	AM7056 (E & R) adopted. Bohlke pending AM0909 p. 1476 and FA113 p. 1477 withdrawn. Wesely pending AM1118 p. 1250 adopted as amended by Wesely pending 1190 p. 1371 and Bohlke pending AM1460 p. 1503. Dierks pending AM1122 p. 1250 ruled not germane. Wickersham AM1345 (on file) and Hall-Wesely pending 1228 p. 1386 adopted. Wesely pending AM1346 p. 1444 ruled not germane. Challenge of Chair withdrawn. Will motion to allow consideration of AM1346 p. 1444 prevailed. Wesely pending AM1346 p. 1444, Hall AM1633, and Dierks AM1642 (on file) adopted. Advanced for Engrossment	1633
Apr. 24	Correctly Engrossed. ER9053 change	1804
May 30	Final Reading w/E 39-4-6	2646
May 30	Speaker signed	2648
May 31	Presented to Governor (5/30)	2652
June 1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 403 amended into LB 406 by AM0837)
(Provisions/portions of LB 404 amended into LB 406 by AM1346)
(Provisions/portions of LB 405 amended into LB 406 by AM1118)
(Provisions/portions of LB 485 amended into LB 406 by AM1642)
(Provisions/portions of LB 492 amended into LB 406 by AM1228)
(Provisions/portions of LB 612 amended into LB 406 by AM1642)
(Provisions/portions of LB 637 amended into LB 406 by AM1345)
(Provisions/portions of LB 703 amended into LB 406 by AM1190)
(Provisions/portions of LB 703 amended into LB 406 by AM1460)

LEGISLATIVE BILL 406A. By Wesely

Mar. 14	Read first time. Placed on General File	1104
Mar. 24	Advanced for Review	1314
Mar. 27	Placed on Select File	1348
Apr. 12	Wesely AM1432 adopted.	

		Advanced for Engrossment	1636
Apr.	24	Correctly Engrossed	1804
Apr.	24	ER9049 change	1807
May	30	Final Reading w/E 40-2-7	2647
May	30	Speaker signed	2648
May	31	Presented to Governor (5/30)	2652
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 407. By Matzke, Elmer

Jan.	12	Read first time	279
Jan.	17	Referred to Committee on Natural Resources	317
Jan.	20	Notice of hearing (1/27)	438
Feb.	8	Placed on General File	665
Mar.	16	Advanced for Review	1169
Mar.	21	Placed on Select File - AM7073	1199
Mar.	30	AM7073 (E & R) adopted. Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	19	Final Reading 41-1-7	1703
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 408. By Abboud

Jan.	12	Read first time	279
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Jan.	31	Notice of hearing (2/10)	539
Feb.	22	Indefinitely postponed	826

LEGISLATIVE BILL 409. By Janssen

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Transportation	317
Feb.	2	Notice of hearing (2/28)	598
Mar.	22	Indefinitely postponed	1244

LEGISLATIVE BILL 410. By Janssen, Hartnett, Vrtiska

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Transportation	317
Feb.	2	Notice of hearing (2/28)	598
Mar.	22	Placed on General File	1243

(Provisions/portions of LB 410 amended into LB 37 by AM1175)

LEGISLATIVE BILL 411. By Janssen

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Judiciary	317
Jan.	18	Notice of hearing (1/25)	366
Jan.	30	Placed on General File - Com AM0072	532
Feb.	8	Committee AM0072 adopted. Advanced for Review	661
Feb.	10	Placed on Select File - AM7035	713
Feb.	28	AM7035 (E & R) adopted. Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 37-0-12	1306
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 412. By Janssen, Hudkins

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Revenue	317
Jan.	19	Notice of hearing (1/26)	429
Jan.	30	Placed on General File	529
Feb.	7	Advanced for Review	628
Feb.	10	Placed on Select File	706
Feb.	28	Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 36-0-13	1136
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 413. By Pirsch, Coordsen, Dierks, Jensen, Jones, Witek

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Revenue	317
Jan.	19	Notice of hearing (1/27)	429
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 414. By Day, Withem

Jan.	12	Read first time	282
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	18	Notice of hearing (1/25)	366
Jan.	24	Will name added	467
Feb.	8	Placed on General File - Com AM0249	676
Mar.	1	Day AM0639 to committee amendment printed	950
Mar.	9	Health and Human Services	

	Committee priority bill	1037

LEGISLATIVE BILL 414A. By Day

Mar. 2	Read first time. Placed on General File	965

LEGISLATIVE BILL 415. By Pirsch

Jan. 12	Read first time	283
Jan. 17	Referred to Committee on Banking, Commerce and Insurance	317
Feb. 16	Notice of hearing (3/14)	775

LEGISLATIVE BILL 416. By Wesely

Jan. 12	Read first time	283
Jan. 17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb. 23	Notice of hearing (3/8)	850
Mar. 16	Indefinitely postponed	1154

LEGISLATIVE BILL 417. By Withem

Jan. 12	Read first time	284
Jan. 17	Referred to Committee on Education	317
Jan. 31	Notice of hearing (2/28)	538
Mar. 21	Indefinitely postponed	1186

LEGISLATIVE BILL 418. By Kristensen

Jan. 12	Read first time	284
Jan. 17	Referred to Committee on General Affairs	317
Jan. 19	Hudkins name added	430
Jan. 26	Notice of hearing (2/6)	504
Feb. 15	Placed on General File - Com AM0335 (printed separate)	762
Mar. 14	Maurstad priority bill	1099
Mar. 14	Maurstad name added	1119
Apr. 10	Maurstad-Schellpeper-Kristensen-Hudkins AM1456 printed separate	1582
May 5	Maurstad et al pending AM1456 p. 1582 to committee AM0335 adopted	2012
May 9	Avery AM2020 lost. Committee AM0335 adopted as amended. Advanced for Review	2045
May 11	Maurstad AM2148 to AM1456 printed	2147
May 16	Placed on Select File - AM7154	2199
May 19	Withem motion to recommit to Government, Military and Veterans Affairs Committee	

		laid over	2384
May	30	AM7154 (E & R) adopted. Maurstad pending AM2148 p. 2147 withdrawn. Withem pending motion p. 2384 withdrawn. Advanced for Engrossment	2610
May	30	Correctly Engrossed. ER9102 change	2615
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 34-10-5	2718
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 419. By Crosby

Jan.	12	Read first time	284
Jan.	17	Referred to Committee on Nebraska Retirement Systems	317
Feb.	2	Notice of hearing (2/10)	583

LEGISLATIVE BILL 420. By Lindsay

Jan.	12	Read first time	284
Jan.	17	Referred to Committee on Judiciary	317
Jan.	18	Notice of hearing (1/25)	366
Jan.	30	Placed on General File - Com AM0079	532
Feb.	8	Committee AM0079 adopted. Advanced for Review	661
Feb.	10	Placed on Select File	713
Feb.	15	Withem AM0422 printed	750
Feb.	28	Withem pending AM0422 p. 750 adopted. Advanced for Engrossment	933
Mar.	6	Correctly Engrossed	968
Mar.	24	Final Reading 35-0-14	1307
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 421. By Lindsay

Jan.	12	Read first time	284
Jan.	17	Referred to Committee on Judiciary	317
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 422. By Wesely

Jan.	12	Read first time	284
Jan.	17	Referred to Committee on Business and Labor	317
Feb.	2	Notice of hearing (2/13)	583

LEGISLATIVE BILL 423. By Lindsay, Bromm

Jan.	12	Read first time	284
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	25	Rereferred to Committee on Judiciary	468
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Placed on General File	723
Mar.	14	Judiciary Committee priority bill	1116

LEGISLATIVE BILL 424. By Transportation Committee

Jan.	12	Read first time	285
Jan.	17	Referred to Committee on Transportation	317
Jan.	20	Notice of hearing (1/30)	440
Feb.	6	Placed on General File - Com AM0190	616
Mar.	10	Kristensen AM0799 to committee AM0190 printed	1064
Mar.	16	Committee AM0190 adopted as amended by Kristensen pending AM0799 p. 1064. Advanced for Review	1167
Mar.	21	Placed on Select File - AM7071	1198
Mar.	22	Kristensen AM1138 printed	1237
Mar.	29	Kristensen AM1343 printed	1413
Mar.	29	Kristensen AM1344 printed	1419
Mar.	30	AM7071 (E & R) adopted. Kristensen pending AM1138 p. 1237 withdrawn. Kristensen pending AM1343 p. 1413 and AM1344 p. 1419 adopted. Advanced for Engrossment	1426
Apr.	5	Correctly Engrossed	1479
Apr.	5	ER9035 change	1480
Apr.	21	Final Reading w/E 33-0-16	1764
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

(Provisions/portions of LB 23 amended into LB 424 by AM1343)

LEGISLATIVE BILL 425. By Engel, Avery, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Fisher, Hall, Hartnett, Hillman, Janssen, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pirsch, Robak, Robinson, Schmitt, Schrock, Stuhr, Vrtiska, Wesely, Wickersham, Withem, at the request of the Governor

Jan.	12	Read first time	285
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	317
Jan.	23	Notice of hearing (1/30)	448
Feb.	2	Placed on General File - Com AM0185	582
Mar.	1	Bernard-Stevens AM0705 to committee AM0185 and AM0704 printed	948
Mar.	8	Engel priority bill	1024
Mar.	21	Wesely AM1075 to committee AM0185 printed	1211
Mar.	23	Committee AM0185 adopted as amended by Bernard-Stevens pending AM0705 p. 948, Bernard-Stevens pending AM0704 p. 948, and Wesely pending AM1075 p. 1211. Chambers motion to indefinitely postpone pending. Bracketed until 4/3/95	1271
Mar.	24	Chambers FA90 printed	1285
Apr.	5	Chambers pending motion p. 1272 withdrawn. Wickersham request ruling of Chair. Chambers pending FA90 p. 1285 ruled germane and lost	1483
Apr.	5	Engel AM1416 pending. Bernard-Stevens FA114 to AM1416 adopted. Bernard-Stevens FA115 and FA116 withdrawn. Bernard-Stevens motion to bracket until 5/2/95 withdrawn	1485
Apr.	5	Wickersham FA117 to AM1416 adopted	1497
Apr.	5	Hall FA118 withdrawn. Beutler FA119 to AM1416 adopted. Hall FA120 lost	1506
Apr.	5	Chambers FA121 and FA122 to FA117 printed	1508
Apr.	6	Chambers request to substitute amendment prevailed. Chambers FA123 withdrawn. Engel pending AM1416 p. 1485 adopted as amended by Chambers substitute FA124, Chambers FA125, Beutler FA126 and FA127, and Chambers pending FA122 p. 1508. Chambers pending FA121 p. 1508 withdrawn. Advanced for Review	1514
Apr.	6	Chambers FA128 printed	1517
Apr.	10	Placed on Select File - AM7107	1585
Apr.	21	Wickersham-Engel AM1738 and AM1739 to AM7107 printed	1791
May	4	AM7107 (E & R) adopted. Wickersham-Engel pending AM1738 p. 1791 pending	1977
May	8	Bernard-Stevens FA200 withdrawn. Engel-Wickersham pending AM1738 p. 1791 sustained division of question. Engel-Wickersham FA201 and FA202 adopted. Engel-Wickersham FA203 and Bernard-Stevens reoffered FA200	

		to FA203 pending	2031
May	8	Maurstad FA204 to AM1738 printed	2036
May	9	Janssen AM2080 to AM7107 printed	2050
May	10	Bernard-Stevens pending FA200 p. 2031 lost. Maurstad pending FA204 p. 2036 withdrawn. Engel-Wickersham pending FA203 p. 2033 adopted. Chambers request to substitute amendment prevailed. Chambers pending FA128 p. 1517 withdrawn. Chambers substitute FA214 lost. Beutler motion to bracket until 1/3/96 lost	2111
May	10	Chambers FA215 lost. Wickersham-Engel pending AM1739 p. 1791 adopted. Passed over	2119

LEGISLATIVE BILL 425A. By Engel, Crosby

Feb.	10	Read first time. Placed on General File	712
Apr.	6	Advanced for Review	1517
Apr.	10	Placed on Select File - AM7108	1588

LEGISLATIVE BILL 426. By Schmitt

Jan.	17	Read first time	294
Jan.	19	Referred to Committee on Transportation	369
Feb.	14	Notice of hearing (3/7)	745

LEGISLATIVE BILL 427. By Dierks

Jan.	17	Read first time	294
Jan.	19	Referred to Committee on Education	369
Jan.	31	Notice of hearing (3/13)	538
Mar.	21	Indefinitely postponed	1186

LEGISLATIVE BILL 428. By Dierks

Jan.	17	Read first time	294
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	8	Notice of hearing (2/15)	663
Feb.	21	Placed on General File - Com AM0461	805

LEGISLATIVE BILL 429. By Cudaback, Schellpeper

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Appropriations	369
Feb.	1	Notice of hearing (3/15)	561
Apr.	27	Placed on General File - Com AM1786	1889
May	8	Committee AM1786 adopted. Advanced for Review	2028

May	9	Placed on Select File - AM7150	2059
May	10	AM7150 (E & R) adopted. Advanced for Engrossment	2106
May	16	Correctly Engrossed	2150
May	25	Final Reading w/E 42-0-7	2572
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 430. By Schellpeper, Day

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Revenue	369
Jan.	25	Notice of hearing (2/2)	476
Feb.	21	Placed on General File - Com AM0517	808
Mar.	7	Schellpeper priority bill	996
Mar.	9	Committee AM0517 adopted. Advanced for Review	1032
Mar.	14	Placed on Select File - AM7055	1111
Mar.	15	Lynch AM0912 printed	1126
Apr.	4	AM7055 (E & R) adopted. Wehrbein-Will AM1290 and Lynch pending AM0912 p. 1126 adopted. Advanced for Engrossment	1471
Apr.	10	Correctly Engrossed	1588
Apr.	10	ER9040 change	1589
May	31	Final Reading 32-11-6	2673
May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 210 amended into LB 430 by AM0912)

LEGISLATIVE BILL 431. By Withem

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Education	369
Jan.	23	Notice of hearing (1/30)	446
Feb.	8	Indefinitely postponed	669

LEGISLATIVE BILL 432. By Withem

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Education	369
Jan.	23	Notice of hearing (1/30)	446

LEGISLATIVE BILL 433. By Withem

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Education	369
Jan.	23	Notice of hearing (1/31)	446
Feb.	13	Indefinitely postponed	723

LEGISLATIVE BILL 434. By Wehrbein

Jan.	17	Read first time	295
Jan.	19	Referred to Committee on Agriculture	369
Jan.	27	Notice of hearing (2/7)	509
Feb.	9	Placed on General File - Com AM0232	693
Mar.	15	Speaker priority bill	1124
Mar.	30	Committee AM0232 adopted. Advanced for Review	1433
Apr.	6	Placed on Select File - AM7092 (printed separate)	1510
Apr.	7	AM7092 (E & R) adopted. Advanced for Engrossment	1557
Apr.	10	Correctly Engrossed	1593
Apr.	21	Final Reading w/E 41-0-8	1773
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 435. By Chambers

Jan.	17	Read first time	296
Jan.	20	Referred to Committee on Judiciary	432
Feb.	2	Notice of hearing (2/10)	597

LEGISLATIVE BILL 436. By Hartnett, Brashear, Brown, Jensen

Jan.	17	Read first time	296
Jan.	19	Referred to Committee on Urban Affairs	369
Feb.	7	Notice of hearing (2/28)	630

LEGISLATIVE BILL 437. By McKenzie

Jan.	17	Read first time	296
Jan.	19	Referred to Committee on Education	369
Jan.	31	Notice of hearing (2/28)	538
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 438. By Fisher

Jan.	17	Read first time	296
Jan.	19	Referred to Committee on Business and Labor	369
Feb.	2	Notice of hearing (2/13)	583
Feb.	14	Placed on General File	748
Mar.	30	Advanced for Review	1439
Apr.	6	Placed on Select File - AM7101	1525
Apr.	13	AM7101 (E & R) adopted.	

		Advanced for Engrossment	1655
Apr.	20	Correctly Engrossed	1754
May	4	Returned to Select File for Beutler amendment. Beutler AM1975 adopted. Advanced for Reengrossment	1968
May	10	Correctly Reengrossed	2106
May	17	Final Reading 40-0-9	2235
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 438A. By Fisher

Mar.	16	Read first time. Placed on General File	1170
Mar.	30	Advanced for Review	1439
Apr.	6	Placed on Select File	1525
Apr.	13	Advanced for Engrossment	1655
Apr.	20	Correctly Engrossed	1754
May	17	Final Reading 37-0-12	2235
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 439. By Vrtiska, Matzke

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Indefinitely postponed	724

LEGISLATIVE BILL 440. By Vrtiska, Matzke, Wesely

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	2	Notice of hearing (2/9)	597

LEGISLATIVE BILL 441. By Vrtiska, Wesely

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	8	Notice of hearing (3/8)	665
Mar.	10	Indefinitely postponed	1060

LEGISLATIVE BILL 442. By Coordsen

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	1	Notice of hearing (2/8)	568

LEGISLATIVE BILL 443. By Coordsen

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	369
Feb.	22	Notice of hearing (3/1)	830
Mar.	14	Placed on General File	1097

LEGISLATIVE BILL 444. By Cudaback

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Judiciary	369
Jan.	19	Notice of hearing (1/26)	430
Jan.	27	Indefinitely postponed	518

LEGISLATIVE BILL 445. By Stuhr

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Education	369
Jan.	23	Notice of hearing (1/30)	446
Feb.	2	Indefinitely postponed	582

LEGISLATIVE BILL 446. By Hall

Jan.	17	Read first time	297
Jan.	19	Referred to Committee on Judiciary	369
Feb.	16	Notice of hearing (2/23)	784
June	1	Will name added	2700

LEGISLATIVE BILL 447. By Robinson, Matzke, Withem

Jan.	17	Read first time	298
Jan.	19	Referred to Committee on Transportation	369
Feb.	14	Notice of hearing (3/13)	745
Mar.	15	Speaker priority bill	1124
Mar.	21	Placed on General File	1199
Mar.	30	Advanced for Review	1435
Apr.	6	Placed on Select File	1518
Apr.	13	Advanced for Engrossment	1651
Apr.	18	Correctly Engrossed	1678
Apr.	27	Final Reading 34-3-12	1869
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 448. By Day

Jan.	17	Read first time	298
Jan.	19	Referred to Committee on Health and Human Services	369
Jan.	24	Notice of hearing (2/2)	466
Feb.	6	Placed on General File - Com AM0251	624
Mar.	16	Committee AM0251 adopted. Advanced for Review	1168
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed	1479
Apr.	5	ER9036 change	1480
Apr.	21	Final Reading 35-0-14	1765
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 448A. By Day

Mar.	2	Read first time. Placed on General File	965
Mar.	16	Advanced for Review	1168
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed	1479
Apr.	21	Final Reading 36-0-13	1766
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 449. By Day

Jan.	17	Read first time	298
Jan.	19	Referred to Committee on Health and Human Services	369
Jan.	24	Notice of hearing (2/2)	466
Feb.	14	Placed on General File - Com AM0330	730
Mar.	30	Committee AM0330 adopted. Advanced for Review	1438
Apr.	6	Placed on Select File - AM7097	1523
Apr.	7	AM7097 (E & R) adopted. Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading 39-0-10	1774
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 449A. By Day

Mar.	2	Read first time. Placed on General File	965
Mar.	24	Day AM1203 printed	1316
Mar.	30	Day pending AM1203 p. 1316 adopted. Advanced for Review	1438
Apr.	6	Placed on Select File	1523
Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading 36-0-13	1774
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 450. By Legislative Program Evaluation Committee

Jan.	17	Read first time	298
Jan.	19	Referred to Committee on Legislative Program Evaluation	369
Feb.	7	Notice of hearing (2/22)	634
Feb.	21	Legislative Program Evaluation Committee priority bill	795
Apr.	19	Indefinitely postponed	1730

LEGISLATIVE BILL 451. By Engel, Dierks, Robinson

Jan.	17	Read first time	298
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	2	Notice of hearing (2/10)	597
Feb.	21	Placed on General File - Com AM0490	807
Mar.	30	Committee AM0490 adopted. Advanced for Review	1440
Apr.	7	Placed on Select File - AM7106	1572
Apr.	13	AM7106 (E & R) adopted. Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	27	Final Reading 39-0-10	1876
Apr.	27	President signed	1880
Apr.	27	Schmitt explanation of vote. Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 452. By Revenue Committee

Jan.	17	Read first time	299
Jan.	19	Referred to Committee on Revenue	369
Jan.	19	Notice of hearing (1/26)	429
Jan.	30	Placed on General File - Com AM0123	530
Feb.	7	Committee AM0123 adopted. Advanced for Review	629
Feb.	10	Placed on Select File - AM7037	707

Feb.	24	Warner AM0501 printed	890
Feb.	28	AM7037 (E & R) adopted. Warner pending AM0501 p. 890 adopted. Advanced for Engrossment	931
Mar.	6	Correctly Engrossed	968
Mar.	6	ER9018 change	969
Mar.	24	Final Reading 37-1-11	1308
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Governor (3/24)	1312
Mar.	27	Pedersen explanation of vote	1334
Mar.	27	Witek explanation of vote	1337
Mar.	29	Approved by Governor (3/29)	1420

LEGISLATIVE BILL 453. By Brown

Jan.	17	Read first time	299
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	369
Jan.	31	Notice of hearing (2/9)	539
Feb.	22	Indefinitely postponed	826

LEGISLATIVE BILL 454. By Hartnett

Jan.	17	Read first time	299
Jan.	19	Referred to Committee on Education	369
Jan.	30	Notice of hearing (2/7)	523
Feb.	8	Indefinitely postponed	669

LEGISLATIVE BILL 455. By Bohlke, Bromm, Day, Matzke, McKenzie, at the request of the Governor

Jan.	17	Read first time	299
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	8	Notice of hearing (3/1)	664
Mar.	2	Bohlke priority bill	967
Mar.	7	Crosby AM0805 printed	1003
Apr.	5	Placed on General File - Com AM1397	1499
Apr.	7	Hall AM1539 to committee AM1397 printed	1565
Apr.	7	Dierks-Lindsay-Crosby AM1458 printed	1566
Apr.	10	Hall AM1462 printed	1581
Apr.	10	Witek AM1560 to committee AM1397 pending	1582
Apr.	10	Witek pending AM1560 p. 1582 and AM1561 lost	1590
Apr.	10	Witek AM1562 and AM1563 lost	1593
Apr.	10	Hall pending AM1539 p. 1565 and Beutler FA133 to committee AM1397 adopted	1596
Apr.	10	Chambers FA135 and FA136 to committee AM1397 printed. Chambers FA134 and Pirsch	

	AM1569 ruled not germane to committee AM1397. Chambers AM1568 withdrawn. Committee AM1397 adopted as amended by Warner-Bromm FA137	1598
Apr. 12	Bernard-Stevens FA147 and Dierks-Lindsay-Crosby pending AM1458 p. 1566 withdrawn. Bernard-Stevens FA148 and Crosby pending AM0805 p. 1003 lost. Hall AM1480 pending	1622
Apr. 12	Witek AM1617 and AM1618 printed	1624
Apr. 12	Bohlke AM1621 printed	1625
Apr. 12	Bohlke AM1622 printed	1628
Apr. 12	Lindsay-Dierks FA149 to AM1480 printed	1631
Apr. 13	Chambers AM1638 printed	1648
Apr. 13	Wesely AM1623 printed	1663
Apr. 13	Lindsay-Crosby-Witek AM1655 to AM1462 printed	1668
Apr. 20	Hall pending AM1480 p. 1623 and Lindsay-Dierks pending FA149 p. 1631 withdrawn. Dierks AM1559 pending	1742
Apr. 20	Dierks pending AM1559 p. 1742 lost	1752
Apr. 20	Janssen FA161 adopted. Bohlke motion to invoke cloture prevailed. Advanced for Review	1755
Apr. 20	Witek AM1508 printed	1761
Apr. 25	Placed on Select File - AM7123 (printed separate)	1809
May 4	Pirsch AM1901 to AM7123 printed	1996
May 8	Lindsay-Dierks AM1814 to AM7123 printed	2035
May 11	Bohlke AM2180 printed separate	2149
May 16	Lynch AM2242 (on file) printed	2219
May 17	Lindsay AM2299 to AM7123 printed	2295
May 18	Witek AM2270 to AM7123 printed	2331
May 18	Witek AM2271 to AM7123 and AM2298 to AM1462 printed	2332
May 22	Bohlke AM2405 to AM7123 printed	2408
May 22	Dierks AM2422 to AM7123 printed	2411
May 22	Chambers-Wesely FA257, FA258, and Chambers FA259, FA260, FA261, and FA262 to AM7123 printed	2412
May 22	Chambers FA263, FA264, and Crosby-Landis AM2411 to AM7123 printed	2413
May 22	Lindsay AM2430 to AM7123 printed	2432
May 23	AM7123 (E & R) adopted. Wehrbein request to substitute FA269 - Chambers objected. Wehrbein motion to substitute FA269 prevailed and FA269 withdrawn. Bohlke substitute AM2405 p. 2408 sustained division of question. Bohlke FA270 to AM7123 pending. Chambers FA279 lost.	

		Wesely-Wehrbein-Maurstad-Beutler-Brown-Bohlke-Schimek FA280 to FA270 adopted	2437
May	23	Bohlke pending FA270 p. 2438 adopted as amended. Bohlke FA271 to AM7123 pending. Dierks AM2464 to FA271 ruled germane and lost. Lindsay AM2463 withdrawn. Lindsay motion to reconsider AM2464 prevailed	2442
May	23	Dierks reconsidered AM2464 p. 2445 and Crosby AM2465 lost. Bohlke pending FA271 p. 2443 adopted. Bohlke FA272 to AM7123 adopted as amended by Wesely FA281 and Hall FA282	2462
May	23	Bohlke FA273 to AM7123 adopted as amended by Chambers FA283 and FA284. Bohlke FA274 to AM7123 adopted. Bohlke FA275 to AM7123 adopted as amended by Bohlke-Chambers AM2475. Bohlke FA276, FA277, and FA278 to AM7123 adopted. Chambers FA285 lost. Chambers FA135, FA136 p. 1598, and AM1568 p. 1599, Witek AM1617 and AM1618 p. 1624, Bohlke AM1621 p. 1625 and AM1622 p. 1628, Chambers AM1638 p. 1648, Wesely AM1623 p. 1663, Lindsay-Crosby-Witek AM1655 p. 1668, Witek AM1508 p. 1761, Hall AM1462 p. 1581, Lindsay-Dierks AM1814 p. 2035, Bohlke AM2180 p. 2149, Lynch AM2242 p. 2219, Lindsay AM2299 p. 2295, Dierks AM2422 p. 2411, Chambers-Wesely FA257 and FA258 p. 2412, Chambers FA259, FA260, FA261, FA262, FA263, and FA264 pp. 2412-2413, Crosby-Landis AM2411 p. 2413, Lindsay AM2430 p. 2432, Pirsch AM1901 p. 1996, Witek AM2270, AM2271, and AM2298 pp. 2331-2332 withdrawn. Hall-Chambers-Wesely FA286 to AM7123 adopted. Advanced for Engrossment	2475
May	23	Wesely name added	2496
May	24	Correctly Engrossed. ER9092 change	2536
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 39-9-1	2775
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

(Provisions/portions of LB 627 amended into LB 455 by FA274)
(Provisions/portions of LB 658 amended into LB 455 by FA271)

LEGISLATIVE BILL 455A. By Bohlke

Apr.	13	Read first time. Placed on General File	1669
Apr.	20	Advanced for Review	1757
Apr.	25	Placed on Select File	1809
May	30	Bohlke AM2547 adopted. Advanced for Engrossment	2604
May	30	Correctly Engrossed. ER9100 change	2612
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 39-9-1	2776
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 456. By Lindsay

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	369
Jan.	30	Notice of hearing (2/6)	527
Feb.	9	Placed on General File - Com AM0298	691
Mar.	30	Committee AM0298 adopted. Advanced for Review	1436
Apr.	6	Placed on Select File - AM7095	1522
Apr.	7	AM7095 (E & R) adopted. Advanced for Engrossment	1561
Apr.	10	Correctly Engrossed	1598
Apr.	21	Final Reading 41-0-8	1775
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 457. By Preister

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Judiciary	369
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 458. By Warner, at the request of the Governor

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Judiciary	369
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 459. By Fisher, Avery, Engel, Hudkins

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Transportation	369

Feb.	2	Notice of hearing (2/28)	598
Mar.	22	Placed on General File - Com AM1001	1244
May	5	Committee AM1001 adopted. Advanced for Review	2002
May	8	Placed on Select File - AM7148	2027
May	9	AM7148 (E & R) adopted. Advanced for Engrossment	2037
May	10	Correctly Engrossed	2122
May	17	Final Reading 37-0-12	2236
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 460. By Schimek

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Health and Human Services	369
Jan.	24	Notice of hearing (2/2)	466
Feb.	6	Placed on General File	622

(Provisions/portions of LB 460 amended into LB 68 by AM0750)

LEGISLATIVE BILL 460A. By Schimek

Mar.	2	Read first time. Placed on General File	965

LEGISLATIVE BILL 461. By Kristensen

Jan.	17	Read first time	300
Jan.	19	Referred to Committee on Transportation	369
Jan.	20	Notice of hearing (1/30)	440
Feb.	1	Placed on General File	560
Mar.	10	Kristensen AM0770 printed	1063
Mar.	15	Kristensen AM1008 printed	1147
Mar.	16	Kristensen pending AM0770 p. 1063 withdrawn. Kristensen pending AM1008 p. 1147 adopted. Advanced for Review	1153
Mar.	21	Placed on Select File - AM7065	1193
Mar.	28	AM7065 (E & R) adopted. Advanced for Engrossment	1376
Mar.	30	Will AM1363 to AM1008 printed	1422
Mar.	30	Correctly Engrossed	1431
Mar.	30	ER9028 change	1432
Apr.	7	Will motion to return to Select File for AM1363 p. 1422 lost. Final Reading w/E 37-0-12	1546
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7).	

Robak explanation of vote 1564
Apr. 12 Approved by Governor (4/12) 1631
(Provisions/portions of LB 481 amended into LB 461 by AM1008)

LEGISLATIVE BILL 462. By Transportation Committee

Jan. 17 Read first time 301
Jan. 19 Referred to Committee on Transportation 369
Jan. 20 Notice of hearing (1/31) 440

LEGISLATIVE BILL 463. By Transportation Committee

Jan. 17 Read first time 301
Jan. 19 Referred to Committee on Transportation 369
Jan. 27 Notice of hearing (2/6) 509
Feb. 24 Placed on General File 877

LEGISLATIVE BILL 464. By Transportation Committee

Jan. 17 Read first time 301
Jan. 19 Referred to Committee on Transportation 369
Jan. 20 Notice of hearing (1/31) 440

LEGISLATIVE BILL 465. By Transportation Committee

Jan. 17 Read first time 302
Jan. 19 Referred to Committee on Transportation 369
Jan. 20 Notice of hearing (1/31) 440
Feb. 8 Placed on General File - Com AM0278 673
Mar. 2 Kristensen AM0506 printed 961
Mar. 2 Kristensen AM0551 printed 962

LEGISLATIVE BILL 465A. By Kristensen

Feb. 28 Read first time. Placed on General File 940

LEGISLATIVE BILL 466. By Transportation Committee

Jan. 17 Read first time 302
Jan. 19 Referred to Committee on Transportation 369
Jan. 27 Notice of hearing (2/6) 509
Feb. 24 Placed on General File - Com AM0279 882
(Provisions/portions of LB 466 amended into LB 265 by AM1829)

LEGISLATIVE BILL 467. By Transportation Committee

Jan. 17 Read first time 302
Jan. 19 Referred to Committee on Transportation 369
Jan. 20 Notice of hearing (1/31) 440

Feb.	7	Placed on General File - Com AM0199	634
Mar.	16	Committee AM0199 adopted. Advanced for Review	1169
Mar.	21	Placed on Select File - AM7072	1198
Mar.	30	AM7072 (E & R) adopted. Coordsen AM1376 adopted. Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed	1479
Apr.	5	ER9032 change	1480
Apr.	21	Final Reading w/E 36-0-13	1766
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

(Provisions/portions of LB 319 amended into LB 467 by AM1376)

LEGISLATIVE BILL 468. By Hartnett

Jan.	17	Read first time	302
Jan.	19	Referred to Committee on General Affairs	369
Jan.	20	Notice of hearing (1/30)	439

LEGISLATIVE BILL 469. By Urban Affairs Committee

Jan.	17	Read first time	302
Jan.	19	Referred to Committee on Urban Affairs	369
Jan.	31	Notice of hearing (2/14)	539
Feb.	22	Placed on General File - Com AM0510	827
Mar.	9	Urban Affairs Committee priority bill	1037
Apr.	12	Wickersham AM0943 to committee AM0510 printed	1632
Apr.	13	Wickersham pending AM0943 p. 1632 to committee AM0510 adopted	1660
Apr.	13	Hartnett motion to reconsider AM0943 p. 1632 laid over	1662

(Provisions/portions of LB 738 amended into LB 469 by AM0510)
(Provisions/portions of LB 782 amended into LB 469 by AM0510)
(Provisions/portions of LB 783 amended into LB 469 by AM0510)

LEGISLATIVE BILL 470. By Urban Affairs Committee

Jan.	17	Read first time	303
Jan.	19	Referred to Committee on Urban Affairs	369
Jan.	24	Notice of hearing (1/31)	461
Feb.	2	Placed on General File	590
Mar.	16	Advanced for Review	1166
Mar.	21	Placed on Select File	1197
Mar.	30	Advanced for Engrossment	1425
Apr.	4	Correctly Engrossed	1448
Apr.	19	Final Reading 43-0-6	1700
Apr.	19	Speaker signed	1705

Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

LEGISLATIVE BILL 471. By Landis

Jan.	17	Read first time	303
Jan.	20	Referred to Committee on Judiciary	432
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Placed on General File - Com AM0778	992

(Provisions/portions of LB 471 amended into LB 371 by AM1339)

LEGISLATIVE BILL 472. By Avery, Cudaback, Janssen, Kristensen, Lindsay, Pirsch

Jan.	17	Read first time	303
Jan.	19	Will name added	430
Jan.	20	Referred to Committee on Judiciary	433
Jan.	20	Notice of hearing (1/27)	439
Feb.	13	Indefinitely postponed	726

(Provisions/portions of LB 472 amended into LB 175 by AM0446)

LEGISLATIVE BILL 473. By Landis

Jan.	17	Read first time	303
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Jan.	30	Notice of hearing (2/7)	527
Mar.	7	Placed on General File - Com AM0810	1000
Apr.	26	Committee AM0810 adopted. Advanced for Review	1843
Apr.	27	Placed on Select File - AM7131	1893
May	5	AM7131 (E & R) adopted. Advanced for Engrossment	2004
May	10	Correctly Engrossed	2111
May	17	Final Reading 39-0-10	2237
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 474. By Lindsay

Jan.	17	Read first time	303
Jan.	20	Referred to Committee on Judiciary	433
Feb.	8	Notice of hearing (2/15)	665
Feb.	21	Placed on General File - Com AM0488	798

LEGISLATIVE BILL 475. By Lindsay

Jan.	17	Read first time	304
Jan.	20	Referred to Committee on Judiciary	433

Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Placed on General File - Com AM0337	723

LEGISLATIVE BILL 476. By Avery, Hartnett, Maurstad, Robinson

Jan.	17	Read first time	304
Jan.	20	Referred to Committee on Urban Affairs	433
Feb.	7	Notice of hearing (2/21)	630
Mar.	2	Indefinitely postponed	959

(Provisions/portions of LB 476 amended into LB 193 by AM0676)

LEGISLATIVE BILL 477. By Avery, Hudkins, Janssen, Robak

Jan.	17	Read first time	304
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Jan.	30	Notice of hearing (2/7)	527
Feb.	9	Indefinitely postponed	693

LEGISLATIVE BILL 478. By Hudkins

Jan.	17	Read first time	309
Jan.	20	Referred to Committee on Business and Labor	433
Feb.	7	Notice of hearing (2/27)	629
Feb.	28	Placed on General File	936

(Provisions/portions of LB 478 amended into LB 240 by AM1006)

LEGISLATIVE BILL 479. By Hudkins

Jan.	17	Read first time	309
Jan.	20	Referred to Committee on Business and Labor	433
Feb.	7	Notice of hearing (2/27)	629
Mar.	1	Indefinitely postponed	948

LEGISLATIVE BILL 480. By Beutler, at the request of the Governor

Jan.	17	Read first time	309
Jan.	20	Referred to Committee on Natural Resources	433
Feb.	22	Notice of hearing (3/1)	830
Mar.	27	Indefinitely postponed	1334

LEGISLATIVE BILL 481. By Matzke

Jan.	17	Read first time	310
Jan.	20	Referred to Committee on Transportation	433
Jan.	20	Notice of hearing (1/30)	440

Feb.	1	Placed on General File - Com AM0188	560

(Provisions/portions of LB 481 amended into LB 461 by AM1008)

LEGISLATIVE BILL 482. By Avery, Fisher, Schrock

Jan.	17	Read first time	310
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Jan.	30	Avery AM0052 printed	524
Feb.	8	Notice of hearing (2/23)	637
Mar.	14	Indefinitely postponed	1098

LEGISLATIVE BILL 483. By Avery, Coordsen, Fisher, Robak

Jan.	17	Read first time	310
Jan.	20	Referred to Committee on Revenue	433
Feb.	2	Notice of hearing (2/22)	586
Mar.	13	Placed on General File - Com AM0423	1076
May	5	Committee AM0423 adopted. Advanced for Review	2003
May	8	Placed on Select File - AM7149	2027
May	9	AM7149 (E & R) adopted. Advanced for Engrossment	2038
May	10	Correctly Engrossed	2122
May	19	Final Reading 30-0-19	2359
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Maurstad explanation of vote	2395
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 484. By Avery, Engel, Fisher, Maurstad, Schellpeper

Jan.	17	Read first time	310
Jan.	20	Referred to Committee on Natural Resources	433
Feb.	8	Notice of hearing (2/15)	663

LEGISLATIVE BILL 485. By Dierks

Jan.	17	Read first time	310
Jan.	20	Referred to Committee on Health and Human Services	433
Feb.	8	Notice of hearing (2/15)	663
Mar.	15	Placed on General File - Com AM0933	1148

(Provisions/portions of LB 485 amended into LB 406 by AM1642)

LEGISLATIVE BILL 486. By Elmer, Kristensen, Lynch

Jan.	17	Read first time	311
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Feb.	8	Notice of hearing (2/23)	637
Feb.	28	Indefinitely postponed	936

LEGISLATIVE BILL 487. By Elmer, Lynch, Matzke, Schrock

Jan.	17	Read first time	311
Jan.	20	Referred to Committee on Judiciary	433
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 488. By Hartnett

Jan.	17	Read first time	311
Jan.	17	Engel name added	325
Jan.	20	Referred to Committee on Revenue	433
Feb.	1	Notice of hearing (2/15)	569
Feb.	21	Placed on General File	794
Mar.	30	Advanced for Review	1439
Apr.	6	Placed on Select File	1527
Apr.	13	Advanced for Engrossment	1655
Apr.	20	Correctly Engrossed	1754
Apr.	27	Final Reading 40-0-9	1877
Apr.	27	President signed	1880
Apr.	27	Schmitt explanation of vote. Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 489. By Kristensen

Jan.	17	Read first time	311
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Jan.	30	Notice of hearing (2/7)	527
Feb.	9	Placed on General File	691

LEGISLATIVE BILL 490. By Kristensen

Jan.	17	Read first time	311
Jan.	20	Referred to Committee on Revenue	433
Feb.	1	Notice of hearing (2/9)	569
Mar.	9	Kristensen priority bill	1037
Mar.	13	Placed on General File - Com AM0904	1085
Mar.	29	Committee AM0904 adopted. Kristensen AM1294 sustained division of question. Kristensen FA106 adopted. Kristensen	

		FA107 lost. Advanced for Review	1403
Apr.	4	Placed on Select File - AM7080 (printed separate)	1462
Apr.	12	Kristensen AM1609 printed	1644
Apr.	13	Kristensen AM1600 printed separate	1668
Apr.	19	Kristensen AM1673 printed separate	1738
Apr.	24	Vrtiska AM1385 printed	1808
Apr.	27	AM7080 (E & R) adopted. Kristensen pending AM1609 p. 1644 pending	1899
May	3	Kristensen pending AM1609 p. 1644 adopted as amended by Kristensen-Hall AM1911. Kristensen pending AM1600 p. 1668 and Vrtiska pending AM1385 p. 1808 withdrawn. Kristensen pending AM1673 p. 1738 and FA188 adopted. Advanced for Engrossment	1952
May	10	Correctly Engrossed. ER9072 change	2107
May	17	Bromm FA226 printed	2242
May	31	Bromm motion to return to Select File for FA226 p. 2242 lost	2690
May	31	Final Reading 29-10-10	2691
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Pirsch explanation of vote	2724
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 490A. By Kristensen

Apr.	11	Read first time. Placed on General File	1608
Apr.	21	Advanced for Review	1780
Apr.	21	Placed on Select File	1792
May	8	Kristensen AM2033 printed	2017
May	17	Kristensen pending AM2033 p. 2017 adopted. Advanced for Engrossment	2258
May	18	Correctly Engrossed. ER9084 change	2333
May	31	Final Reading 28-10-11	2692
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Pirsch explanation of vote	2724
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 491. By Lynch

Jan.	17	Read first time	312
Jan.	20	Referred to Committee on Judiciary	433
Feb.	1	Notice of hearing (2/8)	569
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 492. By Hall, Crosby, Day, Lindsay, McKenzie

Jan.	17	Read first time	312
Jan.	20	Referred to Committee on Health and Human Services	433
Feb.	8	Notice of hearing (2/22)	664
Mar.	27	Placed on General File - Com AM0880	1349

(Provisions/portions of LB 492 amended into LB 406 by AM1228)

LEGISLATIVE BILL 493. By Fisher, Brashear, Schmitt

Jan.	17	Read first time	313
Jan.	20	Referred to Committee on Judiciary	433
Feb.	1	Notice of hearing (2/8)	569
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 494. By Fisher

Jan.	17	Read first time	313
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Jan.	23	Notice of hearing (1/30)	448
Feb.	2	Placed on General File - Com AM0186	583
Mar.	7	Fisher priority bill	996
Mar.	9	Committee AM0186 adopted. Advanced for Review	1033
Mar.	14	Fisher AM0949 printed	1099
Mar.	14	Placed on Select File - AM7057	1111
Apr.	4	AM7057 (E & R) adopted. Fisher pending AM0949 p. 1099 and Coordsen FA112 adopted. Advanced for Engrossment	1476
Apr.	10	Correctly Engrossed	1588
Apr.	10	ER9039 change	1590
May	31	Final Reading 41-2-6	2674
May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 495. By Health and Human Services Committee and Vrtiska

Jan.	17	Read first time	313
Jan.	20	Referred to Committee on Health and Human Services	433
Jan.	24	Notice of hearing (2/1)	466

LEGISLATIVE BILL 496. By Health and Human Services Committee and Beutler

Jan.	17	Read first time	313
Jan.	18	Schrock name added	367
Jan.	20	Referred to Committee on Health and Human Services	433
Feb.	1	Notice of hearing (2/8)	568
Feb.	8	Fisher name added	678

LEGISLATIVE BILL 497. By Day

Jan.	17	Read first time	313
Jan.	20	Referred to Committee on Health and Human Services	433
Feb.	8	Notice of hearing (3/9)	665
Mar.	22	Placed on General File - Com AM0697 (printed separate)	1231

LEGISLATIVE BILL 498. By Hudkins

Jan.	17	Read first time	314
Jan.	20	Referred to Committee on Judiciary	433
Feb.	22	Notice of hearing (3/1)	831
Mar.	7	Placed on General File - Com AM0801	1011

LEGISLATIVE BILL 499. By Warner, at the request of the Governor

Jan.	17	Read first time	314
Jan.	20	Referred to Committee on Revenue	433
Feb.	2	Notice of hearing (2/22)	586
Feb.	27	Placed on General File	919
Apr.	13	Advanced for Review	1665
Apr.	19	Placed on Select File	1731
Apr.	24	Warner AM1682 printed	1801
Apr.	27	Warner pending AM1682 p. 1801 adopted. Advanced for Engrossment	1865
May	2	Correctly Engrossed. ER9066 change	1922
May	17	Final Reading 32-0-17	2229
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	22	Stuhr explanation of vote	2395
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 500. By Avery, Hartnett

Jan.	17	Read first time	321
Jan.	20	Referred to Committee on Education	433
Jan.	31	Notice of hearing (3/6)	538
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 501. By Nebraska Retirement Systems Committee

Jan.	17	Read first time	322
Jan.	20	Referred to Committee on Nebraska Retirement Systems	433
Jan.	20	Notice of hearing (1/27)	439
Jan.	30	Placed on General File	526
Feb.	2	Advanced for Review	591
Feb.	9	Placed on Select File	698
Feb.	28	Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading 35-0-14	1137
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 502. By Nebraska Retirement Systems Committee

Jan.	17	Read first time	322
Jan.	20	Referred to Committee on Nebraska Retirement Systems	433
Jan.	20	Notice of hearing (1/27)	439
Jan.	30	Placed on General File	526
Feb.	2	Advanced for Review	592
Feb.	9	Placed on Select File	698
Feb.	28	Advanced for Engrossment	930
Mar.	2	Correctly Engrossed	965
Mar.	15	Final Reading w/E 35-0-14	1138
Mar.	15	President signed	1142
Mar.	16	Presented to Governor (3/15)	1151
Mar.	22	Approved by Governor (3/21)	1217

LEGISLATIVE BILL 503. By Wickersham, Coordsen, Schellpeper

Jan.	17	Read first time	322
Jan.	20	Referred to Committee on Revenue	433
Jan.	25	Notice of hearing (2/2)	476
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 504. By Will

Jan.	17	Read first time	322
Jan.	20	Referred to Committee on Business and Labor	433
Jan.	30	Notice of hearing (2/6)	523
Feb.	22	Placed on General File	841
Mar.	14	Business and Labor Committee priority bill	1099

LEGISLATIVE BILL 505. By Will, Brashear, Brown, Hall, Lindsay, Pedersen, Pirsch, Preister, Withem

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Nebraska Retirement Systems	433
Jan.	26	Notice of hearing (2/2)	493
Feb.	13	Placed on General File	719
Mar.	14	Will priority bill	1109
Mar.	30	Advanced for Review	1431
Apr.	5	Placed on Select File - AM7081	1498
May	11	Beutler AM2157, AM2158, and AM2159 printed	2147
May	17	Beutler AM2264 printed	2294
May	17	Beutler AM2263 and AM2265 printed	2295
May	19	AM7081 (E & R) adopted. Beutler pending AM2157 and AM2158 p. 2147 lost	2376
May	19	Beutler pending AM2159 p. 2147 lost. Beutler pending AM2264 p. 2294 and AM2265 and AM2263 p. 2295 withdrawn. Advanced for Engrossment	2381
May	23	Correctly Engrossed	2458
May	24	Bernard-Stevens motion to rerefer to committee laid over	2532
June	1	Final Reading w/E 38-4-7	2709
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 506. By Hall

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Feb.	23	Notice of hearing (3/8)	850
Mar.	1	Janssen-Hall motion to suspend rules to cancel hearing on 3/8 and reschedule on 3/2 prevailed	950
Mar.	1	Notice of hearing (3/2) (Rescheduled)	951
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE BILL 507. By Crosby

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Judiciary	433
Mar.	1	Notice of hearing (3/8)	948

LEGISLATIVE BILL 508. By Hall

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Executive Board	433
Jan.	31	Notice of hearing (2/15)	540
Feb.	22	Placed on General File	834
Mar.	9	Executive Board priority bill	1030
Mar.	9	Advanced for Review	1038
Mar.	15	Placed on Select File	1122
Mar.	22	Advanced for Engrossment	1226
Mar.	24	Correctly Engrossed	1283
Apr.	7	Final Reading 42-0-7	1542
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631
June	1	Vrtiska name added	2700

LEGISLATIVE BILL 509. By Hall, Withem

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Executive Board	433
Jan.	31	Notice of hearing (2/15)	540
Feb.	22	Placed on General File - Com AM0482	834
Mar.	9	Executive Board priority bill	1030
Mar.	30	Committee AM0482 adopted. Advanced for Review	1431
Apr.	5	Placed on Select File - AM7086	1498
Apr.	6	Witek AM1468 printed	1534
May	30	AM7086 (E & R) adopted. Witek pending AM1468 p. 1534 lost	2619
May	30	Witek AM2557 lost. Advanced for Engrossment	2622
May	30	Correctly Engrossed	2648
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading w/E 42-1-6	2718
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 510. By Hillman, Bernard-Stevens, Day, Pedersen, Robak

Jan.	17	Read first time	323
Jan.	20	Referred to Committee on Judiciary	433
Feb.	22	Notice of hearing (3/1)	831
Feb.	24	Pedersen name withdrawn	890
Apr.	5	Indefinitely postponed	1493

LEGISLATIVE BILL 511. By Bromm, Crosby, Lindsay, Robinson, Schimek

Jan.	17	Read first time	324
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Feb.	23	Notice of hearing (3/8)	850
Mar.	15	Placed on General File	1130

LEGISLATIVE BILL 512. By Bromm

Jan.	17	Read first time	324
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Feb.	16	Notice of hearing (2/27)	775

LEGISLATIVE BILL 513. By Bromm, Beutler, Crosby

Jan.	17	Read first time	324
Jan.	20	Referred to Committee on Judiciary	433
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 514. By Schimek

Jan.	17	Read first time	324
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Feb.	8	Notice of hearing (2/22)	637
Feb.	27	Placed on General File - Com AM0636	919
Apr.	13	Committee AM0636 adopted. Advanced for Review	1664
Apr.	19	Placed on Select File	1730
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed. ER9059 change	1856
May	4	Final Reading 40-0-9	1972
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 515. By Landis

Jan.	17	Read first time	325
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	433
Feb.	6	Notice of hearing (2/13)	617
Feb.	21	Placed on General File - Com AM0405	803
Mar.	15	Speaker priority bill	1124

LEGISLATIVE BILL 516. By Lindsay

Jan.	17	Read first time	325
Jan.	20	Referred to Committee on Judiciary	433

Jan.	25	Notice of hearing (2/1)	482
Feb.	2	Placed on General File	594
Mar.	14	Judiciary Committee priority bill	1116

LEGISLATIVE BILL 517. By Lynch

Jan.	17	Read first time	325
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Feb.	8	Notice of hearing (2/16)	637
Feb.	28	Indefinitely postponed	936

LEGISLATIVE BILL 518. By Lynch

Jan.	17	Read first time	325
Jan.	20	Referred to Committee on Transportation	433
Feb.	2	Notice of hearing (2/14)	598

LEGISLATIVE BILL 519. By Chambers

Jan.	17	Read first time	325
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	433
Jan.	25	Notice of hearing (2/2)	471
Feb.	27	Placed on General File	919
Mar.	14	Chambers priority bill	1089
Apr.	12	Attorney General's Opinion #95027 to Wehrbein	1638
May	16	Chambers AM2219 printed	2172
May	17	Beutler FA227 to AM2219 withdrawn	2258
May	17	Chambers pending AM2219 p. 2172 adopted as amended by Brashear AM2292. Chambers FA228 adopted. Advanced for Review	2282
May	18	Placed on Select File - AM7158	2334
May	25	AM7158 (E & R) adopted. Warner-Wesely-Brashear-Chambers AM2512 adopted as amended by Bernard-Stevens FA316 and Beutler FA317. Brashear AM2520, FA318, and FA319 adopted. Advanced for Engrossment	2583
May	30	Correctly Engrossed	2595
May	30	ER9098 change	2596
May	30	Wesely name added	2612
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 40-4-5	2719
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/6)	2752

(Provisions/portions of LB 180 amended into LB 519 by AM2512)

LEGISLATIVE BILL 520. By Avery, Hartnett, Withem

Jan.	18	Read first time	327
Jan.	20	Referred to Committee on Judiciary	440
Jan.	25	Notice of hearing (2/1)	482
Feb.	2	Indefinitely postponed	594

(Provisions/portions of LB 520 amended into LB 189 by AM2234)

LEGISLATIVE BILL 521. By Avery

Jan.	18	Read first time	328
Jan.	20	Referred to Committee on Nebraska Retirement Systems	440
Feb.	1	Notice of hearing (2/8)	568

LEGISLATIVE BILL 522. By Robinson

Jan.	18	Read first time	328
Jan.	20	Referred to Committee on Transportation	440
Jan.	27	Notice of hearing (2/6)	509
Feb.	7	Indefinitely postponed	634

LEGISLATIVE BILL 523. By Schimek

Jan.	18	Read first time	335
Jan.	20	Referred to Committee on Education	440
Jan.	31	Notice of hearing (2/27)	538
Mar.	2	Indefinitely postponed	957

LEGISLATIVE BILL 524. By Bernard-Stevens

Jan.	18	Read first time	336
Jan.	20	Referred to Committee on Judiciary	440
Feb.	8	Notice of hearing (2/15)	665
Feb.	22	Placed on General File - Com AM0457	833
Mar.	15	Speaker priority bill	1124
Mar.	30	Committee AM0457 adopted. Advanced for Review	1435
Apr.	6	Placed on Select File - AM7083	1518
Apr.	7	AM7083 (E & R) adopted. Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed	1593
May	25	Final Reading 35-0-14	2561
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 524A. By Bernard-Stevens

Mar.	22	Read first time. Placed on General File	1217
Mar.	30	Advanced for Review	1435
Apr.	6	Placed on Select File	1519
Apr.	7	Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed	1593
May	25	Final Reading 37-0-12	2562
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 525. By Avery, Wickersham

Jan.	18	Read first time	336
Jan.	20	Referred to Committee on Nebraska Retirement Systems	440
Feb.	2	Notice of hearing (2/10)	583

LEGISLATIVE BILL 526. By Wickersham

Jan.	18	Read first time	336
Jan.	20	Referred to Committee on Education	440
Jan.	30	Notice of hearing (2/13)	523
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 527. By Wickersham

Jan.	18	Read first time	336
Jan.	20	Referred to Committee on Revenue	440
Feb.	1	Notice of hearing (2/9)	569
Feb.	21	Placed on General File	794
Mar.	30	Advanced for Review	1440
Apr.	6	Placed on Select File	1527
Apr.	13	Advanced for Engrossment	1655
Apr.	20	Correctly Engrossed	1758
Apr.	27	Final Reading 39-0-10	1877
Apr.	27	President signed	1880
Apr.	27	Schmitt explanation of vote. Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 528. By Wickersham

Jan.	18	Read first time	336
Jan.	20	Referred to Committee on Nebraska Retirement Systems	440
Feb.	1	Notice of hearing (2/8)	568
Mar.	8	Placed on General File - Com AM0764	1021

LEGISLATIVE BILL 529. By Wickersham

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Education	440
Jan.	31	Notice of hearing (2/27)	538
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 530. By Lynch, Coordsen, Janssen, Vrtiska, Wehrbein

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	440
Jan.	24	Cudaback name added	467
Feb.	8	Notice of hearing (2/24)	637
Mar.	13	Cudaback priority bill	1085
Apr.	4	Placed on General File - Com AM1400 (printed separate)	1454
Apr.	19	Hall AM1679 to committee AM1400 printed	1708
Apr.	19	Lynch AM1684 to committee AM1400 printed	1737
Apr.	26	Committee AM1400 adopted as amended by pending Lynch AM1684 p. 1737. Advanced for Review	1844
May	2	Placed on Select File - AM7138	1917
May	11	Lynch AM2104 printed. Lynch AM2105 to AM7138 printed	2135
May	18	Wickersham-Beutler-Warner AM2346 printed	2349
May	19	AM7138 (E & R) adopted. Hall request to substitute amendment prevailed. Hall pending AM1679 p. 1708 withdrawn. Hall substitute AM2369 to committee AM1400 pending. Kristensen FA254 to AM2369 adopted. Beutler FA255 to AM2369 pending	2370
May	19	Hall substitute AM2369 p. 2370 adopted as amended by Beutler pending FA255 p. 2373. Lynch pending AM2104 and AM2105 p. 2135 withdrawn. Wickersham et al pending AM2346 p. 2349 adopted. Advanced for Engrossment	2374
May	23	Correctly Engrossed. ER9086 change	2458
June	1	Final Reading 41-0-8	2710
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/7)	2753

(Provisions/portions of LB 568 amended into LB 530 by AM1400)

LEGISLATIVE BILL 531. By Warner

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Banking,	

		Commerce and Insurance	440
Feb.	6	Notice of hearing (2/13)	617
Mar.	14	Warner priority bill	1089
Apr.	4	Placed on General File - Com AM1380	1454
Apr.	26	Committee AM1380 adopted. Advanced for Review	1848
May	2	Placed on Select File - AM7136	1918
May	16	Bohlke AM2176 printed	2219
May	25	AM7136 (E & R) adopted. Advanced for Engrossment	2578
May	30	Correctly Engrossed	2595
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Bohlke motion to return to Select File for AM2176 p. 2219 withdrawn. Final Reading w/E 40-0-9	2720
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 532. By Brown, Day, Schimek

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	440
Feb.	14	Notice of hearing (2/21)	737

LEGISLATIVE BILL 533. By Schellpeper, Coordsen

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Revenue	440
Feb.	2	Notice of hearing (3/1)	584
Mar.	14	Placed on General File - Com AM0954	1102

LEGISLATIVE BILL 534. By Schellpeper

Jan.	18	Read first time	337
Jan.	20	Referred to Committee on Natural Resources	440
Feb.	28	Notice of hearing (3/8)	941
Mar.	16	Indefinitely postponed	1169

LEGISLATIVE BILL 535. By Schellpeper

Jan.	18	Read first time	338
Jan.	20	Referred to Committee on Revenue	440
Feb.	2	Notice of hearing (3/1)	584
Mar.	13	Placed on General File	1076
Apr.	26	Advanced for Review	1844
Apr.	26	Schellpeper AM1826 printed	1862
Apr.	27	Placed on Select File	1895
May	5	Schellpeper pending AM1826 p. 1862	

		adopted. Advanced for Engrossment	2004
May	10	Correctly Engrossed	2111
May	25	Final Reading w/E 40-0-9	2562
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 536. By Beutler, Kristensen

Jan.	18	Read first time	338
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	440
Feb.	16	Notice of hearing (2/27)	775

LEGISLATIVE BILL 537. By Beutler

Jan.	18	Read first time	338
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	440
Feb.	8	Notice of hearing (2/15)	636

LEGISLATIVE BILL 538. By Beutler

Jan.	18	Read first time	338
Jan.	20	Referred to Committee on Judiciary	440
Feb.	2	Notice of hearing (2/10)	597
Feb.	22	Placed on General File	832
Apr.	13	Advanced for Review	1662
Apr.	18	Placed on Select File	1690
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	9	Final Reading 37-0-12	2041
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 539. By Beutler

Jan.	18	Read first time	338
Jan.	20	Referred to Committee on Judiciary	440
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 540. By Beutler

Jan.	18	Read first time	338
Jan.	20	Notice of hearing (1/30)	438
Jan.	20	Referred to Committee on Business and Labor	441

LEGISLATIVE BILL 541. By Beutler

Jan.	18	Read first time	339
Jan.	20	Notice of hearing (1/31)	440
Jan.	20	Referred to Committee on Transportation	441
Feb.	8	Placed on General File - Com AM0277	673
Mar.	30	Committee AM0277 adopted. Advanced for Review	1436
Apr.	6	Placed on Select File - AM7088	1519
Apr.	7	AM7088 (E & R) adopted. Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed. ER9046 change	1593
Apr.	21	Final Reading 42-0-7	1776
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

(Provisions/portions of LB 254 amended into LB 541 by AM0277)

LEGISLATIVE BILL 542. By Beutler, Crosby, Hartnett, Schimek, Wesely, Wickersham, Withem

Jan.	18	Read first time	339
Jan.	20	Referred to Committee on Education	441
Jan.	31	Notice of hearing (2/27)	538
Mar.	7	Placed on General File - Com AM0757	996
Mar.	15	Speaker priority bill	1124
Mar.	30	Committee AM0757 adopted. Advanced for Review	1433
Apr.	6	Placed on Select File - AM7091	1510
Apr.	7	AM7091 (E & R) adopted. Bohlke motion to suspend rules and allow consideration of AM1526 prevailed. Bohlke AM1526 to AM7091 and Beutler FA132 to AM1526 pending	1557
Apr.	13	Beutler pending FA132 p. 1560 and Bohlke pending AM1526 p. 1558 withdrawn. Advanced for Engrossment	1650
Apr.	18	Correctly Engrossed	1678
Apr.	27	Final Reading w/E 36-0-13	1870
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 543. By Beutler, Crosby, Landis, Schimek, Warner, Wesely

Jan.	18	Read first time	339
Jan.	20	Referred to Committee on Education	441
Jan.	30	Notice of hearing (2/13)	523
Mar.	15	Speaker priority bill	1124
Mar.	16	Placed on General File - Com AM0527	1172

LEGISLATIVE BILL 544. By Beutler

Jan.	18	Read first time	339
Jan.	20	Referred to Committee on Judiciary	441
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Placed on General File	1084
Apr.	26	Advanced for Review	1844
Apr.	27	Placed on Select File - AM7133	1895
May	9	AM7133 (E & R) adopted. Wickersham FA205 adopted. Advanced for Engrossment	2038
May	11	Correctly Engrossed. ER9074 change	2137
May	22	Final Reading 28-1-20	2386
May	22	President signed	2391
May	22	Presented to Governor (5/22)	2395
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 545. By Beutler

Jan.	18	Read first time	339
Jan.	20	Referred to Committee on Judiciary	441
Feb.	15	Notice of hearing (2/22)	768
Feb.	24	Indefinitely postponed	877

LEGISLATIVE BILL 546. By Beutler

Jan.	18	Read first time	339
Jan.	18	Wesely name added	367
Jan.	20	Referred to Committee on Judiciary	441
Mar.	7	Notice of hearing (3/15)	1001
Mar.	16	Indefinitely postponed	1170

LEGISLATIVE BILL 547. By Beutler

Jan.	18	Read first time	339
Jan.	20	Referred to Committee on Education	441
Jan.	30	Notice of hearing (2/21)	524
Mar.	16	Indefinitely postponed	1177

LEGISLATIVE BILL 548. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Revenue	441
Feb.	2	Notice of hearing (3/1)	584

Mar.	10	Beutler priority bill	1065
Mar.	13	Placed on General File - Com AM0884	1080
Mar.	23	Lindsay name added	1274
Mar.	23	Committee AM0884 adopted. Bernard-Stevens FA87 and Maurstad FA88 withdrawn. Bernard-Stevens AM1202 pending	1281
Mar.	24	Bernard-Stevens pending AM1202 p. 1282 lost. Wesely motion to indefinitely postpone laid over	1314
Mar.	27	Wesely pending motion p. 1316 withdrawn. Beutler FA92 lost. Beutler AM1245 adopted. Failed to advance for Review	1322
Mar.	27	Witek FA93 printed	1334
Mar.	27	Schimek AM1208 printed	1337
Mar.	27	Schimek AM1241 printed	1341
Mar.	27	Schimek AM1242 printed separate	1346
Mar.	27	Witek motion to reconsider action on AM1202 p. 1282 laid over	1346
Mar.	28	Schimek AM1240 printed	1376
Apr.	5	Witek pending motion p. 1346 to reconsider action on AM1202 lost	1481

LEGISLATIVE BILL 549. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Revenue	441
Feb.	1	Notice of hearing (2/9)	569
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 550. By Beutler, Day

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Judiciary	441
Feb.	8	Notice of hearing (2/15)	665
Mar.	7	Indefinitely postponed	1001

LEGISLATIVE BILL 551. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Judiciary	441
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 552. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	2	Notice of hearing (2/9)	586
Feb.	16	Placed on General File	781

Apr.	25	Advanced for Review	1812
Apr.	25	Placed on Select File	1829
May	10	Advanced for Engrossment	2093
May	11	Correctly Engrossed	2146
May	22	Returned to Select File for Beutler amendment. Beutler AM2321 (printed separate) pending	2387
May	30	Beutler pending AM2321 p. 2387 withdrawn. Readvanced to Final Reading	2605
June	1	Final Reading 40-1-8	2721
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/2)	2750

LEGISLATIVE BILL 553. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	14	Notice of hearing (2/23)	747

(Provisions/portions of LB 553 amended into LB 871 by AM1200)

LEGISLATIVE BILL 554. By Beutler

Jan.	18	Read first time	340
Jan.	20	Referred to Committee on Natural Resources	441
Jan.	25	Notice of hearing (2/1)	476

(Provisions/portions of LB 554 amended into LB 209 by AM2524)
(Provisions/portions of LB 554 amended into LB 296 by AM2597)

LEGISLATIVE BILL 555. By Beutler, at the request of the Governor

Jan.	18	Read first time	341
Jan.	20	Referred to Committee on Business and Labor	441
Feb.	2	Notice of hearing (2/13)	583
Mar.	16	Placed on General File - Com AM0593	1166

LEGISLATIVE BILL 556. By General Affairs Committee

Jan.	18	Read first time	341
Jan.	19	Robak name added. General Affairs Committee names withdrawn	431
Jan.	20	Referred to Committee on General Affairs	441
Jan.	26	Notice of hearing (2/6)	504
Feb.	8	Indefinitely postponed	636

LEGISLATIVE BILL 557. By Wehrbein, Coordsen, Schrock

Jan.	18	Read first time	341
Jan.	20	Referred to Committee on Agriculture	441
Jan.	27	Notice of hearing (2/7)	509
Feb.	9	Indefinitely postponed	694

LEGISLATIVE BILL 558. By Wehrbein

Jan.	18	Read first time	341
Jan.	20	Referred to Committee on Health and Human Services	441
Feb.	8	Notice of hearing (3/10)	665

LEGISLATIVE BILL 559. By Warner, at the request of the Governor

Jan.	18	Read first time	341
Jan.	20	Referred to Committee on Revenue	441
Jan.	25	Notice of hearing (2/1)	476
Mar.	13	Brashear priority bill	1068
Mar.	13	Placed on General File	1076
Apr.	13	Abboud name added	1669
Apr.	19	Wesely FA159 lost. Advanced for Review	1735
Apr.	20	Placed on Select File	1758
May	16	Wesely AM2217 printed	2190
May	22	Beutler AM2421 printed	2422
May	22	Beutler AM1700 printed	2423
May	22	Beutler AM1724 printed	2426
May	24	Wesely motion to indefinitely postpone withdrawn. Wesely pending AM2217 p. 2190 ruled not germane. Beutler request to substitute amendment prevailed. Beutler pending AM2421 p. 2422 withdrawn. Beutler substitute AM2490 ruled not germane. Challenge of Chair lost. Beutler request to substitute amendment prevailed. Beutler pending AM1700 p. 2423 withdrawn. Beutler substitute FA290 lost. Beutler pending AM1724 p. 2426 withdrawn. Beutler reoffered AM2421 p. 2422 lost. Advanced for Engrossment	2502
May	24	Correctly Engrossed	2536
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading 44-3-2	2774
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 560. By Bernard-Stevens

Jan.	18	Read first time	342
Jan.	20	Referred to Committee on Judiciary	441
Feb.	2	Notice of hearing (2/10)	597
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 561. By Witek

Jan.	18	Read first time	342
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Feb.	8	Notice of hearing (2/22)	637
Mar.	16	Indefinitely postponed	1154

LEGISLATIVE BILL 562. By Nebraska Retirement Systems Committee

Jan.	18	Read first time	342
Jan.	20	Referred to Committee on Nebraska Retirement Systems	441
Jan.	24	Notice of hearing (1/31)	461
Feb.	13	Placed on General File	719

(Provisions/portions of LB 562 amended into LB 369 by AM2377)

LEGISLATIVE BILL 563. By Day

Jan.	18	Read first time	342
Jan.	20	Referred to Committee on Health and Human Services	441
Jan.	24	Notice of hearing (2/2)	466
Feb.	14	Placed on General File - Com AM0341	741
Mar.	30	Committee AM0341 adopted. Advanced for Review	1438
Apr.	6	Placed on Select File - AM7096	1523
Apr.	13	AM7096 (E & R) adopted. Day AM1511 adopted. Advanced for Engrossment	1652
Apr.	20	Correctly Engrossed. ER9052 change	1754
May	3	Schrock AM1768 printed	1955
May	16	Day-Wesely-Schrock AM2251 printed	2210
May	17	Schrock pending AM1768 p. 1955 withdrawn. Returned to Select File for Day et al amendment. Day et al pending AM2251 p. 2210 withdrawn. Returned to Select File for Day et al amendment. Day-Wesely-Schrock FA225 adopted. Advanced for Reengrossment	2232
May	18	Correctly Reengrossed	2332
May	18	ER9082 change	2333
May	25	Returned to Select File for Wesely-Day amendment. Wesely-Day AM2516 adopted.	

		Advanced for Reengrossment	2567
May	30	Correctly Reengrossed	2595
May	30	ER9095 change	2596
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading w/E 43-0-6	2727
June	1	President signed	2742
June	1	Presented to Governor (6/1)	2745
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 563A. By Day

Mar.	2	Read first time. Placed on General File	965
Mar.	30	Advanced for Review	1438
Apr.	6	Placed on Select File	1524
Apr.	13	Advanced for Engrossment	1654
Apr.	20	Correctly Engrossed	1754
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 44-0-5	2728
June	1	President signed	2742
June	1	Presented to Governor (6/1)	2745
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 564. By Day

Jan.	18	Read first time	342
Jan.	20	Referred to Committee on Transportation	441
Feb.	2	Notice of hearing (2/27)	598
Mar.	21	Placed on General File - Com AM1062	1199
May	3	Committee AM1062 adopted. Advanced for Review	1937
May	4	Placed on Select File - AM7142	1987
May	10	AM7142 (E & R) adopted. Advanced for Engrossment	2092
May	11	Correctly Engrossed. ER9080 change	2146
May	22	Final Reading 39-0-10	2388
May	22	President signed	2391
May	22	Presented to Governor (5/22)	2395
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 565. By Wickersham, Vrtiska, Wehrbein

Jan.	18	Read first time	343
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	441
Feb.	6	Notice of hearing (2/13)	617
Mar.	22	Indefinitely postponed	1259

LEGISLATIVE BILL 566. By Robinson, Bernard-Stevens, Hartnett, Janssen, Lynch, Schimek

Jan.	18	Read first time	343
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Jan.	26	Rereferred to Committee on Education	486
Jan.	30	Notice of hearing (2/7)	523
Feb.	8	Indefinitely postponed	669

LEGISLATIVE BILL 567. By Robinson, Janssen, Lynch, Vrtiska, Wehrbein

Jan.	18	Read first time	343
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Jan.	31	Notice of hearing (2/10)	539
Feb.	22	Placed on General File - Com AM0339	820
Apr.	26	Committee AM0339 adopted. Advanced for Review	1843
Apr.	26	Placed on Select File - AM7132	1859
May	5	AM7132 (E & R) adopted. Advanced for Engrossment	2003
May	10	Correctly Engrossed	2111
May	19	Final Reading 30-0-19	2360
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 568. By Robinson, Janssen, Lynch, Vrtiska, Wehrbein

Jan.	18	Read first time	343
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Jan.	31	Notice of hearing (2/10)	539
Feb.	28	Placed on General File	935

(Provisions/portions of LB 568 amended into LB 530 by AM1400)

LEGISLATIVE BILL 569. By Brashear

Jan.	18	Read first time	343
Jan.	20	Referred to Committee on Judiciary	441
Feb.	15	Notice of hearing (2/22)	769
Feb.	16	Lindsay motion to suspend rules prevailed. Notice of hearing (2/22) (Cancel)	779
Feb.	22	Notice of hearing (3/1) (Reset)	831
Mar.	6	Placed on General File	990

LEGISLATIVE BILL 570. By Brashear

Jan.	18	Read first time	344
Jan.	20	Referred to Committee on Judiciary	441
Feb.	2	Notice of hearing (2/10)	597
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 571. By Brashear

Jan.	18	Read first time	344
Jan.	20	Referred to Committee on Judiciary	441
Feb.	8	Notice of hearing (2/15)	665
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 572. By Chambers

Jan.	18	Read first time	344
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Jan.	24	Brown and Schrock names added	467
Feb.	8	Notice of hearing (2/24)	637
Feb.	27	Placed on General File	919
Mar.	30	Maurstad name added	1447
Apr.	13	Advanced for Review	1664
Apr.	19	Placed on Select File	1730
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	9	Final Reading w/E 39-0-10	2041
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 573. By Wickersham

Jan.	18	Read first time	344
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	441
Feb.	23	Notice of hearing (3/9)	851
Mar.	7	Wickersham motion to withdraw bill and motion to suspend rules and permit cancellation of hearing laid over	1003
Mar.	9	Wickersham pending motions p. 1003 prevailed. Notice of hearing (3/9) (Cancel). Withdrawn	1031

LEGISLATIVE BILL 574. By Wickersham

Jan.	18	Read first time	344
Jan.	20	Referred to Committee on Revenue	441
Feb.	1	Notice of hearing (2/8)	569

Feb.	21	Placed on General File - Com AM0291	794
Mar.	30	Committee AM0291 adopted. Advanced for Review	1440
Apr.	7	Placed on Select File - AM7102	1537
Apr.	13	AM7102 (E & R) adopted. Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	20	ER9054 change	1759
May	31	Final Reading 44-0-5	2665
May	31	President signed	2675
May	31	Presented to Governor (5/31)	2676
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 575. By Pedersen

Jan.	18	Read first time	345
Jan.	20	Referred to Committee on Urban Affairs	441
Feb.	7	Notice of hearing (3/7)	630
Mar.	10	Placed on General File - Com AM0895	1042

LEGISLATIVE BILL 576. By Avery, Beutler, Elmer

Jan.	18	Read first time	345
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	14	Notice of hearing (2/22)	747

(Provisions/portions of LB 576 amended into LB 209 by AM1422)

LEGISLATIVE BILL 577. By Bromm, Robinson, Schellpeper

Jan.	18	Read first time	345
Jan.	20	Referred to Committee on Revenue	441
Feb.	27	Notice of hearing (3/16)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 578. By Day, Bernard-Stevens, Crosby, Hillman

Jan.	18	Read first time	345
Jan.	20	Referred to Committee on Health and Human Services	441
Feb.	8	Notice of hearing (2/24)	664

LEGISLATIVE BILL 579. By Crosby

Jan.	18	Read first time	345
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	28	Notice of hearing (3/10)	941
Mar.	16	Placed on General File	1169
May	3	Advanced for Review	1937
May	4	Placed on Select File	1987

May	10	Advanced for Engrossment	2092
May	11	Correctly Engrossed	2137
May	22	Final Reading 37-1-11	2388
May	22	President signed	2391
May	22	Presented to Governor (5/22)	2395
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 580. By Crosby

Jan.	18	Read first time	346
Jan.	20	Referred to Committee on Appropriations	441
Feb.	1	Notice of hearing (3/14)	561
May	5	Indefinitely postponed	2007

LEGISLATIVE BILL 581. By Natural Resources Committee

Jan.	18	Read first time	346
Jan.	20	Referred to Committee on Natural Resources	441
Jan.	25	Notice of hearing (2/1)	476
Feb.	8	Placed on General File	665
Mar.	16	Advanced for Review	1169
Mar.	21	Placed on Select File	1199
Mar.	24	Janssen AM1149 and AM1150 printed	1311
Mar.	30	Janssen pending AM1149 and AM1150 p. 1311 withdrawn. Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	5	Janssen AM1430 printed	1505
Apr.	7	Returned to Select File for Janssen amendment. Janssen pending AM1430 p. 1505 adopted. Advanced for Reengrossment	1549
Apr.	10	Correctly Reengrossed	1588
May	3	Janssen AM1968 printed	1963
May	4	Returned to Select File for Janssen amendment. Janssen pending AM1968 p. 1963 adopted. Advanced for Reengrossment	1968
May	10	Correctly Reengrossed	2106
May	19	Final Reading 32-0-17	2360
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 582. By Natural Resources Committee

Jan.	18	Read first time	346
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	22	Notice of hearing (3/1)	830
Mar.	2	Placed on General File	953

LEGISLATIVE BILL 583. By Natural Resources Committee

Jan.	18	Read first time	346
Jan.	20	Referred to Committee on Natural Resources	441
Jan.	26	Notice of hearing (2/2)	493
Feb.	24	Placed on General File - Com AM0603	889
Apr.	26	Committee AM0603 adopted. Advanced for Review	1843
Apr.	26	Placed on Select File - AM7134	1859
May	9	AM7134 (E & R) adopted. Advanced for Engrossment	2038
May	11	Correctly Engrossed	2137
May	22	Final Reading 37-2-10	2389
May	22	President signed	2391
May	22	Presented to Governor (5/22)	2395
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 584. By Natural Resources Committee

Jan.	18	Read first time	346
Jan.	20	Referred to Committee on Natural Resources	441
Feb.	8	Notice of hearing (2/16)	663
Mar.	9	Natural Resources Committee priority bill	1030
Mar.	30	Placed on General File - Com AM1189 (printed separate)	1447
May	11	Committee AM1189 pending	2130
May	18	Committee AM1189 sustained division of of question. Committee FA234 ruled germane. Hudkins challenge of Chair lost. Pending	2323
May	18	Wickersham AM2317 to committee AM1189 printed	2328

LEGISLATIVE BILL 585. By Janssen, Cudaback, Dierks, Jones

Jan.	18	Read first time	347
Jan.	20	Referred to Committee on Revenue	441
Feb.	2	Notice of hearing (2/23)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 586. By Janssen, Dierks

Jan.	18	Read first time	347
Jan.	20	Referred to Committee on General Affairs	441
Feb.	6	Notice of hearing (3/6)	625
Mar.	9	Placed on General File - Com AM0777	1027

(Provisions/portions of LB 586 amended into LB 874 by AM1162)

LEGISLATIVE BILL 587. By Hall, Day, Jones, Lynch, Schmitt

Jan.	18	Read first time	347
Jan.	20	Referred to Committee on Appropriations	441
Feb.	1	Notice of hearing (3/13)	561

LEGISLATIVE BILL 588. By Hall

Jan.	18	Read first time	347
Jan.	20	Referred to Committee on Judiciary	441
Mar.	1	Notice of hearing (3/8)	948
June	1	Will name added	2700

LEGISLATIVE BILL 589. By Hall

Jan.	18	Read first time	347
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	442
Feb.	8	Notice of hearing (2/15)	637
Feb.	22	Placed on General File	820
Mar.	30	Advanced for Review	1440
Apr.	7	Placed on Select File - AM7104	1576
Apr.	12	Hall AM0871 printed	1646
Apr.	13	AM7104 (E & R) adopted. Hall pending AM0871 p. 1646 withdrawn. Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	27	Final Reading 38-0-11	1878
Apr.	27	President signed	1880
Apr.	27	Schmitt explanation of vote. Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 590. By Robak, Crosby

Jan.	18	Read first time	348
Jan.	19	Schellpeper, Cudaback, Elmer, Hartnett, Robinson, and Hudkins names added	431
Jan.	20	Referred to Committee on General Affairs	442
Jan.	26	Notice of hearing (2/6)	504
Feb.	15	Placed on General File - Com AM0416	762

LEGISLATIVE BILL 591. By Robak

Jan.	18	Read first time	348
Jan.	20	Referred to Committee on Urban Affairs	442
Jan.	31	Notice of hearing (2/14)	539
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 592. By Day, Beutler, at the request of the Governor

Jan.	18	Read first time	348
Jan.	20	Referred to Committee on Judiciary	442
Feb.	8	Notice of hearing (2/15)	665
Mar.	13	Day priority bill	1073
Mar.	22	Placed on General File - Com AM1026 (printed separate)	1224
Apr.	11	Day AM1453 printed separate	1609
Apr.	19	Day AM1693 to committee AM1026 printed	1737
Apr.	25	Day pending AM1453 p. 1609 and AM1693 p. 1737 to committee AM1026 adopted. Chambers FA167 lost. Lindsay AM1608 (on file) to committee AM1026 pending	1813
Apr.	25	Lindsay pending AM1608 p. 1815 pending. Bernard-Stevens motion to bracket until 6/2/95 withdrawn	1818
May	2	Committee AM1026 adopted as amended by Day AM1877. Lindsay pending AM1608 p. 1815 withdrawn. Chambers FA178 and FA179 adopted. Lindsay AM1900 lost. Advanced for Review	1912
May	4	Placed on Select File - AM7139 (printed separate)	1978
May	22	Witek AM2380 to AM7139 printed	2431
May	23	Day AM2462 and AM1980 to AM7139 printed	2457
May	30	Bracketed until 1/3/96	2619

LEGISLATIVE BILL 592A. By Day

Apr.	4	Read first time. Placed on General File	1472
May	2	Chambers FA180 lost. Pending	1915
May	2	Advanced for Review	1919
May	4	Placed on Select File	1978
May	19	Day AM2372 printed	2383

LEGISLATIVE BILL 593. By Urban Affairs Committee

Jan.	18	Read first time	348
Jan.	20	Referred to Committee on Urban Affairs	442
Jan.	31	Notice of hearing (2/7)	539
Feb.	14	Placed on General File - Com AM0380	737
Mar.	15	Speaker priority bill	1124
Apr.	13	Committee AM0380 adopted. Advanced for Review	1661
Apr.	18	Placed on Select File - AM7112	1689
Apr.	27	AM7112 (E & R) adopted. Hartnett AM1812 adopted. Advanced for Engrossment	1864
May	3	Hartnett AM1917 printed	1950
May	9	Returned to Select File for Hartnett amendment. Hartnett pending AM1917	

		p. 1950 adopted. Advanced for Engrossment	2038
May	11	Correctly Engrossed. ER9067 change	2137
May	25	Final Reading w/E 40-0-9	2563
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 593A. By Hartnett

Mar.	21	Read first time. Placed on General File	1191
Apr.	13	Advanced for Review	1662
Apr.	18	Placed on Select File	1690
Apr.	27	Advanced for Engrossment	1864
May	11	Correctly Engrossed	2137
May	25	Final Reading w/E 41-0-8	2564
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 594. By Withem

Jan.	18	Read first time	348
Jan.	20	Referred to Committee on Nebraska Retirement Systems	442
Feb.	2	Notice of hearing (2/13)	583

LEGISLATIVE BILL 595. By Withem

Jan.	18	Read first time	349
Jan.	20	Referred to Committee on Transportation	442
Feb.	2	Notice of hearing (2/27)	598
Mar.	22	Placed on General File - Com AM1003	1244

LEGISLATIVE BILL 596. By Lindsay

Jan.	18	Read first time	349
Jan.	20	Referred to Committee on Revenue	442
Feb.	1	Notice of hearing (2/8)	569
Feb.	21	Placed on General File - Com AM0272	794

(Provisions/portions of LB 596 amended into LB 300 by AM1121)

LEGISLATIVE BILL 597. By Lindsay

Jan.	18	Read first time	349
Jan.	20	Referred to Committee on Judiciary	442
Feb.	22	Notice of hearing (3/2)	831

LEGISLATIVE BILL 598. By Lindsay

Jan.	18	Read first time	349
Jan.	20	Referred to Committee on Judiciary	442
Feb.	2	Notice of hearing (2/10)	597
Mar.	6	Placed on General File	990
Mar.	30	Lindsay AM1365 printed	1443
Apr.	13	Lindsay pending AM1365 p. 1443 adopted. Advanced for Review	1666
Apr.	19	Placed on Select File	1732
Apr.	26	Advanced for Engrossment	1844
Apr.	27	Correctly Engrossed	1892
May	9	Final Reading 39-0-10	2044
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 599. By Landis

Jan.	18	Read first time	349
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Jan.	30	Notice of hearing (2/6)	527
Feb.	8	Placed on General File - Com AM0274	674
Mar.	30	Committee AM0274 adopted. Advanced for Review	1436
Apr.	6	Placed on Select File - AM7099	1522
Apr.	7	AM7099 (E & R) adopted. Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed	1598
Apr.	21	Final Reading 40-0-9	1776
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 600. By Bohlke

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/14)	523

LEGISLATIVE BILL 601. By Bohlke

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/6)	523
Feb.	13	Placed on General File	723
Mar.	30	Advanced for Review	1437
Apr.	6	Placed on Select File	1523

Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading w/E 40-0-9	1777
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 602. By Witek

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Judiciary	442
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 603. By Hartnett, Lindsay

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Judiciary	442
Jan.	25	Notice of hearing (2/1)	482
Feb.	2	Indefinitely postponed	594

(Provisions/portions of LB 603 amended into LB 303 by AM0216)

LEGISLATIVE BILL 604. By Schrock, Beutler, Dierks, Matzke, Wehrbein, Wickersham

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/14)	523
Mar.	22	Placed on General File - Com AM0323	1245

LEGISLATIVE BILL 605. By Schrock, Coordsen, Cudaback, Dierks, Elmer, Jones, Robinson, Stuhr

Jan.	18	Read first time	350
Jan.	20	Referred to Committee on Revenue	442
Feb.	2	Notice of hearing (2/24)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 606. By Schrock, Cudaback, Dierks, Elmer, Jones, Robinson, Schmitt, Wickersham

Jan.	18	Read first time	351
Jan.	20	Referred to Committee on Revenue	442
Feb.	2	Notice of hearing (2/24)	586
Feb.	16	Notice of hearing (3/9) (Reset)	784
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 607. By Wesely

Jan.	18	Read first time	351
Jan.	20	Referred to Committee on Education	442
Jan.	31	Notice of hearing (3/13)	538

LEGISLATIVE BILL 608. By Warner

Jan.	18	Read first time	351
Jan.	20	Referred to Committee on Urban Affairs	442
Feb.	7	Notice of hearing (2/21)	630

LEGISLATIVE BILL 609. By Hartnett, Lynch

Jan.	18	Read first time	351
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	442
Feb.	8	Notice of hearing (2/22)	637
Mar.	15	Speaker priority bill	1124
Mar.	15	Placed on General File - Com AM0992	1130
Mar.	30	Committee AM0992 adopted. Advanced for Review	1435
Apr.	6	Placed on Select File - AM7094	1517
Apr.	13	AM7094 (E & R) adopted. Wesely AM1644 adopted. Advanced for Engrossment	1651
Apr.	18	Correctly Engrossed. ER9051 change	1678
May	2	Attorney General's Opinion #95034 to Wesely	1903
May	4	Wesely motion to return to Select File for FA189 withdrawn. Failed on Final Reading w/21-5-23	1968
May	4	Bernard-Stevens motion to reconsider vote on Final Reading laid over	1975
May	10	Bernard-Stevens pending motion p. 1975 prevailed. Final Reading 28-6-15	2101
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 610. By Crosby

Jan.	18	Read first time	351
Jan.	20	Referred to Committee on Revenue	442
Feb.	2	Notice of hearing (2/23)	586
Mar.	13	Indefinitely postponed	1085

LEGISLATIVE BILL 611. By Hartnett

Jan.	18	Read first time	352
Jan.	20	Referred to Committee on Health and	

		Human Services	442
Feb.	8	Notice of hearing (3/8)	665
Mar.	10	Placed on General File	1060

LEGISLATIVE BILL 612. By Hartnett, Schimek

Jan.	18	Read first time	352
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	442
Feb.	8	Notice of hearing (2/24)	637
Feb.	28	Placed on General File - Com AM0662	935

(Provisions/portions of LB 612 amended into LB 406 by AM1642)

LEGISLATIVE BILL 613. By McKenzie, at the request of the Governor

Jan.	18	Read first time	352
Jan.	20	Referred to Committee on Revenue	442
Feb.	1	Notice of hearing (2/9)	569
Mar.	13	Placed on General File - Com AM0885	1081
Mar.	14	Witek priority bill	1109
Mar.	30	Robak AM1366 to committee AM0885 printed	1441
Mar.	30	Witek name added	1447
Apr.	4	Pedersen name added	1477
Apr.	19	Attorney General's Opinion #95032 to Dierks	1726
Apr.	25	Withem FA168 printed	1821
Apr.	26	Maurstad-Coordsen AM1849 to committee AM0885 printed	1859
Apr.	27	Maurstad-Coordsen AM1866 to committee AM0885 printed	1900
May	2	Bernard-Stevens AM1916 to committee AM0885 printed	1923
May	3	Bernard-Stevens AM1927 to committee AM0885 printed	1945
May	3	Bernard-Stevens AM1955 to committee AM0885 printed	1947
May	9	Robak pending AM1366 p. 1441 ruled not germane. Challenge of Chair lost. Withem pending FA168 p. 1821 withdrawn. Withem AM1819 to committee AM0885 pending	2047
May	9	Withem pending AM1819 p. 2049 and Maurstad-Coordsen pending AM1849 p. 1859 withdrawn. Vrtiska request to substitute amendment prevailed. Vrtiska AM2092 withdrawn. Vrtiska substitute AM2102 lost. Committee AM0885 adopted as amended by Maurstad-Coordsen pending AM1866 p. 1900 and Hall FA206.	

		Advanced for Review	2053
May	9	Hall FA207 printed	2060
May	16	Placed on Select File - AM7155	2199
May	18	Maurstad AM2326 to AM7155 printed	2340
May	23	Warner AM2455 to AM7155 printed	2472
May	24	Jones-Jensen AM2431 to AM7155 printed	2538
May	25	AM7155 (E & R) adopted. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM1916 p. 1923 and substitute AM2354 withdrawn. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM1927 p. 1945 and substitute AM1955 p. 1947 withdrawn. Hall pending FA207 p. 2060 lost. Maurstad pending AM2326 p. 2340 adopted. Warner pending AM2455 p. 2472 ruled not germane. Bernard-Stevens challenge of Chair withdrawn. Warner motion to suspend rules to permit consideration of AM2455 withdrawn. Jones-Jensen pending AM2431 p. 2538, Robinson AM2389, and McKenzie AM2017 withdrawn. Hall FA314 and Maurstad FA315 adopted. Advanced for Engrossment	2579
May	30	Correctly Engrossed	2595
May	30	ER9097 change	2596
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 36-11-2	2784
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 614. By Lindsay

Jan.	18	Read first time	352
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Jan.	23	Notice of hearing (1/31)	448
Feb.	2	Placed on General File	582
Mar.	16	Advanced for Review	1166
Mar.	21	Placed on Select File	1197
Mar.	30	Robak AM1329 adopted. Advanced for Engrossment	1424
Apr.	4	Correctly Engrossed	1448
Apr.	4	ER9030 change	1449
Apr.	19	Final Reading 43-0-6	1700
Apr.	19	Speaker signed	1705
Apr.	19	Presented to Governor (4/19)	1707
Apr.	25	Approved by Governor (4/24)	1830

(Provisions/portions of LB 191 amended into LB 614 by AM1329)

LEGISLATIVE BILL 615. By Landis

Jan.	18	Read first time	352
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Jan.	30	Notice of hearing (2/6)	527
Feb.	1	Landis AM0195 printed	564
Feb.	24	Placed on General File - Com AM0545	883
Mar.	14	Banking, Commerce and Insurance Committee priority bill	1099
Apr.	18	Attorney General's Opinion #95030 to Hall	1673
May	10	Lindsay FA216 printed	2126

(Provisions/portions of LB 615 amended into LB 384 by AM2305)

LEGISLATIVE BILL 616. By Landis

Jan.	18	Read first time	353
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Feb.	16	Notice of hearing (3/21)	776
Mar.	22	Placed on General File - Com AM1033	1226
May	3	Committee AM1033 adopted. Advanced for Review	1937
May	4	Placed on Select File - AM7141	1987
May	10	AM7141 (E & R) adopted. Advanced for Engrossment	2092
May	11	Correctly Engrossed	2146
May	25	Final Reading w/E 40-0-9	2564
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	30	Bromm explanation of vote	2651
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 617. By Coordsen

Jan.	18	Read first time	353
Jan.	20	Referred to Committee on Judiciary	442
Mar.	1	Notice of hearing (3/10)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 618. By Beutler

Jan.	18	Read first time	353
Jan.	20	Referred to Committee on Education	442
Jan.	31	Notice of hearing (2/27)	538
Mar.	21	Indefinitely postponed	1186

LEGISLATIVE BILL 619. By Schrock, Coordsen, Day, Dierks, Elmer, Schmitt

Jan.	18	Read first time	353
Jan.	20	Referred to Committee on Health and Human Services	442
Feb.	8	Notice of hearing (2/23)	664
Feb.	15	Preister name added	769
Feb.	23	Engel name added	857

LEGISLATIVE BILL 620. By Brashear

Jan.	18	Read first time	353
Jan.	20	Notice of hearing (1/31)	440
Jan.	20	Referred to Committee on Transportation	442
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 621. By Education Committee and Brown, Hartnett, Hillman, Robinson, Vrtiska

Jan.	18	Read first time	353
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/21)	524
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 622. By Education Committee

Jan.	18	Read first time	354
Jan.	20	Referred to Committee on Education	442
Jan.	31	Notice of hearing (2/28)	538

LEGISLATIVE BILL 623. By Education Committee

Jan.	18	Read first time	354
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/21)	524
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 624. By Education Committee

Jan.	18	Read first time	354
Jan.	20	Referred to Committee on Education	442
Jan.	30	Notice of hearing (2/14)	523
Mar.	6	Placed on General File - Com AM0756	973
Mar.	14	Education Committee priority bill	1116
Mar.	22	Bernard-Stevens AM0345 printed	1217
Apr.	7	Schimek AM1484 printed	1571
May	10	Hartnett AM1369 printed	2121
May	18	Bernard-Stevens AM2357 printed	2349
June	8	Bernard-Stevens AM2352 printed separate	2768

LEGISLATIVE BILL 624A. By Bohlke

Mar.	21	Read first time. Placed on General File	1191
May	18	Bernard-Stevens AM2353 printed	2349

LEGISLATIVE BILL 625. By Bohlke

Jan.	18	Read first time	354
Jan.	20	Referred to Committee on Education	442
Jan.	31	Notice of hearing (2/27)	538

LEGISLATIVE BILL 626. By Kristensen

Jan.	18	Read first time	354
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Jan.	30	Notice of hearing (2/6)	527
Feb.	9	Placed on General File - Com AM0299	693
Mar.	30	Committee AM0299 adopted. Advanced for Review	1436
Apr.	6	Placed on Select File - AM7085	1523
Apr.	7	AM7085 (E & R) adopted. Advanced for Engrossment	1561
Apr.	10	Correctly Engrossed	1598
May	17	Beutler AM1974 printed	2241
May	19	Beutler motion to return to Select File for AM1974 p. 2241 pending	2364
May	31	Beutler pending motion p. 2364 to return to Select File for pending AM1974 p. 2241 lost	2675
May	31	Wesely motion to reconsider Beutler motion p. 2364 withdrawn	2679
May	31	Returned to Select File for Landis amendment. Landis AM2596 adopted. Advanced for Reengrossment	2686
May	31	Correctly Reengrossed	2693
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 44-4-1	2773
June	8	President signed	2778
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 627. By Witek

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Feb.	16	Notice of hearing (3/14)	775

(Provisions/portions of LB 627 amended into LB 455 by FA274)

LEGISLATIVE BILL 628. By Lynch, Bohlke, Crosby, Janssen, Lindsay, Robinson, Schrock

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Appropriations	442
Jan.	31	Notice of hearing (3/7)	552

LEGISLATIVE BILL 629. By McKenzie

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Natural Resources	442
Feb.	2	Notice of hearing (2/9)	586
Mar.	15	Placed on General File - Com AM0692	1148
Apr.	12	McKenzie AM1647 printed	1645
Apr.	26	McKenzie AM1763 printed	1845
Apr.	27	McKenzie pending AM1647 p. 1645 withdrawn. Committee AM0692 adopted as amended by McKenzie pending AM1763 p. 1845. Advanced for Review	1867
May	2	Placed on Select File - AM7137	1918
May	9	McKenzie AM2120 printed	2082
May	10	AM7137 (E & R) adopted. McKenzie pending AM2120 p. 2082 withdrawn. Beutler FA213 adopted. Advanced for Engrossment	2093
May	11	Correctly Engrossed. ER9077 change	2146
May	22	Final Reading 37-0-12	2390
May	22	President signed	2391
May	22	Presented to Governor (5/22)	2395
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 630. By Coordsen, Bromm, Dierks, Hudkins, Janssen, Jones, Schellpeper, Schrock, Stuhr

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Revenue	442
Feb.	2	Notice of hearing (2/23)	586

LEGISLATIVE BILL 631. By Landis

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Feb.	16	Notice of hearing (2/28)	775
Mar.	6	Indefinitely postponed	971

(Provisions/portions of LB 631 amended into LB 384 by AM1357)

LEGISLATIVE BILL 632. By Fisher, Lindsay

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	442
Feb.	16	Notice of hearing (2/27)	775
Mar.	22	Indefinitely postponed	1259

LEGISLATIVE BILL 633. By Hillman, Brown, Day, Withem

Jan.	18	Read first time	355
Jan.	20	Referred to Committee on Business and Labor	442
Feb.	21	Notice of hearing (3/6)	792
Mar.	8	Placed on General File	1021

LEGISLATIVE BILL 634. By Bohlke, Fisher, Janssen

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Natural Resources	442
Feb.	2	Notice of hearing (2/9)	586

LEGISLATIVE BILL 635. By Wesely

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Health and Human Services	442
Jan.	24	Notice of hearing (2/1)	466
Feb.	2	Placed on General File	594

LEGISLATIVE BILL 635A. By Wesely

Feb.	13	Read first time. Placed on General File	727

LEGISLATIVE BILL 636. By Wesely, Lindsay

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Transportation	442
Feb.	14	Notice of hearing (3/6)	745
Mar.	9	Indefinitely postponed	1030

LEGISLATIVE BILL 637. By Wickersham, Janssen, Matzke, Schellpeper, Wesely

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Health and Human Services	442
Jan.	24	Notice of hearing (2/1)	466
Mar.	14	Placed on General File - Com AM0964 (printed separate)	1118

(Provisions/portions of LB 637 amended into LB 406 by AM1345)

LEGISLATIVE BILL 638. By Withem

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Education	443
Jan.	30	Notice of hearing (2/13)	523
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 639. By Withem

Jan.	18	Read first time	356
Jan.	20	Referred to Committee on Education	443
Jan.	24	Notice of hearing (1/31)	460

(Provisions/portions of LB 639 amended into LB 658 by AM2499)

LEGISLATIVE BILL 640. By Beutler

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Natural Resources	443
Feb.	14	Notice of hearing (2/22)	747

LEGISLATIVE BILL 641. By Vrtiska, Crosby, Dierks, Hudkins, Janssen, Robak

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Judiciary	443
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 642. By Avery, Brashear, Brown, Crosby, Dierks, Engel, Hartnett, Hudkins, Jensen, Kristensen, Lynch, Maurstad, McKenzie, Schellpeper, Vrtiska, Warner, Wehrbein

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Health and Human Services	443
Feb.	8	Notice of hearing (2/24)	664
Mar.	14	Avery priority bill	1109
Apr.	5	Placed on General File	1499
May	2	Bernard-Stevens-Day AM1873 printed	1923
May	2	Bernard-Stevens-Day AM1910 printed	1925
May	4	Attorney General's Opinion #95035 to Avery	1974
May	9	Avery AM1575 sustained division of question. Schimek FA208 to AM1575 withdrawn. Avery FA209 ruled germane and pending. Schimek reoffered FA208 to FA209 adopted	2060
May	9	Hall FA211 to FA209 pending	2067
May	9	Bohlke motion to bracket until 1/9/96 withdrawn. Chambers FA212 withdrawn.	

		Bracketed until 5/11/95	2078
May	9	Lindsay-Hall-Kristensen-Chambers-Abboud AM2117 printed	2083
May	17	Avery AM2294 printed	2292
May	17	Avery AM2293 printed	2313
May	18	Hillman-Day-Schimek-Wesely motion to bracket until 1/3/96 pending	2330
June	1	Hillman et al pending motion p. 2330 withdrawn. Avery pending FA209 p. 2063 and balance of AM1575 p. 2060 withdrawn. Hall pending FA211 p. 2067, Bernard-Stevens-Day pending AM1873 p. 1923 and AM1910 p. 1925, Lindsay et al pending AM2117 p. 2083, and Avery pending AM2294 p. 2292 withdrawn. Avery pending AM2293 p. 2313 adopted. Advanced for Review	2700
June	1	Placed on Select File - AM7165	2730
June	1	Hall-Wehrbein-Withem-Warner AM2599 to AM2293 printed	2732

LEGISLATIVE BILL 642A. By Avery, Dierks, Fisher, Hudkins, Jensen, Jones, Landis, Matzke, McKenzie, Pirsch, Preister, Robak, Vrtiska, Warner

May	8	Read first time. Placed on General File	2036
June	1	Advanced for Review	2702
June	1	Placed on Select File	2730

LEGISLATIVE BILL 643. By Avery, Brashear, Engel, Pedersen

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Transportation	443
Feb.	2	Notice of hearing (2/27)	598

LEGISLATIVE BILL 644. By Avery, Hartnett

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	443
Feb.	22	Notice of hearing (3/2)	830
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE BILL 645. By Abboud, Bromm

Jan.	18	Read first time	357
Jan.	20	Referred to Committee on Judiciary	443
Jan.	25	Preister name added	484
Jan.	26	Notice of hearing (2/2)	504

Feb.	8	Placed on General File - Com AM0240	673
Feb.	13	Pedersen name added	727
Mar.	15	Speaker priority bill	1124
Mar.	16	Day name added	1184
Mar.	30	Witek name added	1447
May	17	Pirsch name added	2320

LEGISLATIVE BILL 646. By Kristensen

Jan.	18	Read first time	358
Jan.	20	Referred to Committee on Revenue	443
Feb.	2	Notice of hearing (2/23)	586
Feb.	16	Notice of hearing (2/24) (Reset)	784
Mar.	10	Vrtiska priority bill	1044
Mar.	14	Placed on General File - Com AM0903	1103
Mar.	24	Lindsay-Hall AM1081 to committee AM0903 printed	1284
Mar.	28	Kristensen AM1276 to committee AM0903 printed	1386
Mar.	30	Kristensen AM1373 to committee AM0903 printed	1442
Apr.	4	Vrtiska name added	1477
Apr.	5	Kristensen AM1474 to committee AM0903 printed	1505
Apr.	6	Kristensen pending AM1474 p. 1505 pending	1524
Apr.	6	Kristensen pending AM1474 p. 1505 to committee AM0903 adopted. Kristensen pending AM1276 p. 1386, AM1373 p. 1442, and Lindsay-Hall pending AM1081 p. 1284 withdrawn. Beutler request to substitute amendment prevailed. Beutler AM1360 withdrawn. Beutler substitute FA129 adopted. Beutler FA130 to committee AM0903 pending	1528
Apr.	11	Kristensen AM1587 to committee AM0903 printed	1614
Apr.	13	Hartnett AM1631 to AM1587 printed	1659
Apr.	13	Lindsay-Hall AM1632 to AM1587 printed	1663
Apr.	18	Beutler pending FA130 p. 1529 and Lindsay-Hall pending AM1632 p. 1663 lost. Kristensen pending AM1587 p. 1614 to committee AM0903 adopted	1676
Apr.	18	Lindsay-Hall AM1670, Hall FA154, and Lindsay-Hartnett FA155 lost. Lindsay FA151 sustained division of question. Lindsay FA152 to AM1587 adopted. Lindsay FA153 lost. Committee AM0903 adopted as amended. Lindsay-Hall motion to indefinitely postpone lost. Advanced for Review	1680
Apr.	20	Placed on Select File - AM7120	1744
May	3	Witek AM1677 to AM1587 printed	1945
May	3	Will AM1870 to AM7120 printed	1956
May	4	Lindsay-Kristensen-Hall AM1963 to	

		AM7120 printed	1984
May	10	AM7120 (E & R) adopted. Kristensen et al pending AM1963 p. 1984 adopted. Hartnett pending AM1631 p. 1659, Hartnett AM1688, and Will pending AM1870 p. 1956 withdrawn. Beutler AM2155 lost. Advanced for Engrossment	2124
May	16	Correctly Engrossed	2150
May	22	Witek AM2388 printed	2396
May	31	Witek pending AM1677 p. 1945 withdrawn. Witek motion to return to Select File for AM2388 p. 2396 lost. Final Reading 35-7-7	2679
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Pirsch explanation of vote	2724
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 646A. By Kristensen

Apr.	25	Read first time. Placed on General File	1827
May	8	Advanced for Review	2017
May	9	Placed on Select File	2059
May	11	Kristensen AM2179 printed	2147
May	16	Kristensen AM2197 printed	2152
May	16	Kristensen pending AM2179 p. 2147 and AM2197 p. 2152 withdrawn. Kristensen AM2222 adopted. Advanced for Engrossment	2171
May	17	Correctly Engrossed	2241
May	31	Final Reading 37-3-9	2680
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Pirsch explanation of vote	2724
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 647. By Kristensen

Jan.	18	Read first time	358
Jan.	20	Referred to Committee on Judiciary	443
Feb.	8	Notice of hearing (2/15)	665
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 648. By Cudaback, Coordsen, Schrock

Jan.	18	Read first time	358
Jan.	20	Referred to Committee on Revenue	443
Feb.	2	Notice of hearing (2/23)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 649. By Cudaback, Jones, Schmitt

Jan.	18	Read first time	358
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	443
Feb.	22	Notice of hearing (3/2)	830
Mar.	21	Placed on General File	1191

LEGISLATIVE BILL 650. By Wesely

Jan.	18	Read first time	358
Jan.	20	Referred to Committee on Appropriations	443
Jan.	31	Notice of hearing (3/7)	552

LEGISLATIVE BILL 651. By Bernard-Stevens

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Education	456
Jan.	31	Notice of hearing (3/7)	538

LEGISLATIVE BILL 652. By Bernard-Stevens

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	456
Feb.	8	Notice of hearing (2/22)	637
Feb.	27	Placed on General File	919

LEGISLATIVE BILL 653. By Lynch

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	456
Feb.	22	Notice of hearing (3/1)	830
Mar.	16	Indefinitely postponed	1154

LEGISLATIVE BILL 654. By Janssen

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Health and Human Services	456
Feb.	8	Notice of hearing (2/22)	664
Feb.	28	Indefinitely postponed	935

LEGISLATIVE BILL 655. By Robak

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Business and Labor	456

Feb.	21	Notice of hearing (3/6)	792
Mar.	8	Indefinitely postponed	1021

LEGISLATIVE BILL 656. By Robak

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Judiciary	456
Feb.	22	Notice of hearing (3/2)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 657. By Pirsch

Jan.	19	Read first time	375
Jan.	24	Referred to Committee on Judiciary	456
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 658. By Pirsch

Jan.	19	Read first time	376
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (2/16)	664
Mar.	7	Placed on General File - Com AM0772	1012
Mar.	9	Pirsch priority bill	1030
Mar.	13	Committee AM0772 adopted	1076
Mar.	14	Pending	1097
Mar.	14	Chambers FA79 lost	1100
Mar.	14	Pedersen-Lindsay-Beutler AM0986 adopted. Advanced for Review	1110
Mar.	16	Placed on Select File - AM7063	1161
Mar.	21	Pedersen AM1015 to AM7063 printed	1192
Mar.	22	Pirsch AM1113 to AM7063 and AM0972 printed	1220
Mar.	27	Wesely AM1169 to AM1113 printed	1370
Apr.	4	Pirsch AM1331 printed	1457
Apr.	4	Pirsch AM1332 and AM1350 to AM7063 printed	1459
Apr.	21	AM7063 (E & R) adopted. Pedersen pending AM1015 p. 1192 adopted. Pirsch pending AM1113 p. 1220 and AM1332 p. 1459 lost. Pirsch pending AM0972 p. 1220 and Wesely pending AM1169 p. 1370 withdrawn	1783
Apr.	24	Dierks request to bracket until 5/2/95. Wesely objection withdrawn. Bracketed until 5/2/95	1803
May	4	Pirsch AM1902 printed	1979
May	8	Chambers FA196 to AM1902 lost	2017
May	8	Chambers FA197 and FA198 to AM1902 lost	2019
May	8	Crosby AM2053, Pirsch pending AM1902 p. 1979, AM1331 p. 1457, and AM1350	

		p. 1459 withdrawn. Crosby motion to indefinitely postpone laid over	2030
May	22	Crosby pending motion p. 2030 withdrawn. Bohlke motion to suspend rules to permit consideration of AM2385 pending. Chambers motion to bracket prevailed as amended by Withem FA265. Bracketed until 5/23/95	2426
May	23	Hudkins AM2454 to AM2385 printed	2494
May	24	Bohlke-Pirsch-Withem AM2499 printed	2543
May	24	Maurstad AM2496 to AM2493 printed	2547
May	25	Bohlke pending motion p. 2426 to suspend rules to permit consideration of AM2385 (on file) withdrawn. Bohlke motion to suspend rules and permit consideration of pending AM2499 p. 2543 prevailed. Wickersham FA308 to AM2499 lost. Withem FA309 and Maurstad AM2400 (on file) withdrawn. Withem FA310, Chambers FA311, and Withem FA312 to AM2499 adopted. Beutler AM2518 withdrawn. Bohlke et al pending AM2499 p. 2543 adopted as amended. Hudkins pending AM2454 p. 2494 and Maurstad pending AM2496 p. 2547 withdrawn. Advanced for Engrossment	2575
May	30	Correctly Engrossed	2595
May	30	ER9096 change	2597
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 39-3-7	2722
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Approved by Governor (6/2)	2750

(Provisions/portions of LB 639 amended into LB 658 by AM2499)
(Provisions/portions of LB 658 amended into LB 455 by FA271)

LEGISLATIVE BILL 658A. By Pirsch

Mar.	14	Read first time. Placed on General File	1099
Mar.	24	Wesely AM1153 adopted. Advanced for Review	1314
Mar.	27	Placed on Select File - AM7078	1348
May	25	AM7078 (E & R) adopted. Pirsch motion to indefinitely postpone withdrawn. Passed over	2578
May	30	Bohlke AM2548 adopted. Advanced for Engrossment	2605
May	30	Correctly Engrossed. ER9101 change	2612
June	1	Crosby motion to suspend rules prevailed	2702
June	1	Final Reading 39-0-10	2723
June	1	Speaker signed	2725
June	1	Presented to Governor (6/1)	2726
June	8	Returned by Governor without approval (6/2)	2751

LEGISLATIVE BILL 659. By Pirsch

Jan.	19	Read first time	376
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	2	Notice of hearing (2/10)	597

LEGISLATIVE BILL 660. By Pirsch

Jan.	19	Read first time	376
Jan.	24	Referred to Committee on Judiciary	457
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 661. By Pirsch, Hudkins, Janssen, Robak

Jan.	19	Read first time	376
Jan.	24	Referred to Committee on Judiciary	457
Feb.	22	Notice of hearing (3/1)	831
Mar.	6	Placed on General File - Com AM0746	993

LEGISLATIVE BILL 662. By Will

Jan.	19	Read first time	376
Jan.	24	Referred to Committee on Judiciary	457
Feb.	15	Notice of hearing (2/22)	769

LEGISLATIVE BILL 663. By Will, at the request of the Governor

Jan.	19	Read first time	378
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/10)	569
Feb.	2	Notice of hearing (2/10) (Cancel)	596
Feb.	6	Notice of hearing (2/15) (Reset)	601
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 664. By Maurstad

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Education	457
Jan.	31	Notice of hearing (3/7)	538

LEGISLATIVE BILL 665. By Maurstad

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Urban Affairs	457
Feb.	7	Notice of hearing (2/28)	630
Mar.	9	Indefinitely postponed	1037

LEGISLATIVE BILL 666. By Maurstad

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Urban Affairs	457
Jan.	24	Notice of hearing (1/31)	461
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 667. By Day

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	16	Notice of hearing (3/6)	775

LEGISLATIVE BILL 668. By Day

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Natural Resources	457
Feb.	8	Notice of hearing (2/16)	663
Feb.	22	Placed on General File - Com AM0534	830
Mar.	1	Janssen priority bill	947
Mar.	6	Committee AM0534 adopted. Advanced for Review	980
Mar.	7	Placed on Select File	1010
Mar.	22	Advanced for Engrossment	1226
Mar.	24	Correctly Engrossed	1283
Apr.	7	Final Reading w/E 40-0-9	1543
Apr.	7	Speaker signed	1555
Apr.	7	Presented to Governor (4/7)	1564
Apr.	12	Approved by Governor (4/12)	1631

LEGISLATIVE BILL 669. By Withem

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	457
Feb.	8	Notice of hearing (2/15)	637
Feb.	27	Placed on General File - Com AM0659	919
Apr.	13	Committee AM0659 adopted. Advanced for Review	1665
Apr.	19	Placed on Select File - AM7115	1730
Apr.	26	AM7115 (E & R) adopted. Advanced for Engrossment	1844
Apr.	27	Correctly Engrossed	1892
May	9	Final Reading 40-0-9	2044
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 670. By Withem, Bernard-Stevens

Jan.	19	Read first time	379
Jan.	24	Referred to Committee on Education	457
Jan.	30	Notice of hearing (2/13)	523

LEGISLATIVE BILL 671. By Vrtiska, Schellpeper

Jan.	19	Read first time	380
Jan.	24	Referred to Committee on Agriculture	457
Feb.	2	Notice of hearing (2/21)	584
Feb.	27	Placed on General File - Com AM0640	923
Apr.	13	Committee AM0640 adopted. Advanced for Review	1665
Apr.	19	Placed on Select File - AM7118	1732
Apr.	26	AM7118 (E & R) adopted. Advanced for Engrossment	1844
Apr.	27	Correctly Engrossed	1892
May	10	Final Reading w/E 42-0-7	2093
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 672. By Vrtiska, Jones, Schmitt

Jan.	19	Read first time	380
Jan.	24	Referred to Committee on Revenue	457
Feb.	27	Notice of hearing (3/16)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 673. By Kristensen

Jan.	19	Read first time	380
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	16	Notice of hearing (3/7)	775

LEGISLATIVE BILL 674. By Wickersham, Hillman

Jan.	19	Read first time	380
Jan.	24	Referred to Committee on Education	457
Jan.	30	Notice of hearing (2/6)	523

LEGISLATIVE BILL 675. By Wickersham

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/9)	569
Feb.	21	Placed on General File - Com AM0519	808

LEGISLATIVE BILL 676. By Wickersham

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Nebraska Retirement Systems	457
Feb.	1	Rereferred to Committee on Education	556
Feb.	6	Notice of hearing (2/14)	601
Mar.	14	Education Committee priority bill	1116
Mar.	22	Placed on General File - Com AM1079 (printed separate)	1249

LEGISLATIVE BILL 677. By Hartnett

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/16)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 678. By Hartnett, Schellpeper

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Judiciary	457
Mar.	7	Notice of hearing (3/15)	1001

LEGISLATIVE BILL 679. By Elmer

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	16	Notice of hearing (3/14)	775
Mar.	16	Indefinitely postponed	1155

LEGISLATIVE BILL 680. By Kristensen

Jan.	19	Read first time	381
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (3/8)	665
Mar.	10	Indefinitely postponed	1060

LEGISLATIVE BILL 681. By Kristensen

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	16	Notice of hearing (2/28)	775
Mar.	8	Placed on General File - Com AM0707	1023
Mar.	28	Landis AM1177 printed	1391

LEGISLATIVE BILL 682. By Robinson, Avery, Bromm, Hartnett, Janssen, Jensen, Jones, Lynch, Pirsch, Schellpeper, Schmitt

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/15)	569
Mar.	6	Indefinitely postponed	980

LEGISLATIVE BILL 683. By Crosby

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	6	Notice of hearing (2/14)	617

LEGISLATIVE BILL 684. By Crosby

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (3/2)	664
Mar.	7	Indefinitely postponed	1011

LEGISLATIVE BILL 685. By Crosby

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Natural Resources	457
Feb.	28	Notice of hearing (3/10)	941

LEGISLATIVE BILL 686. By Crosby

Jan.	19	Read first time	382
Jan.	24	Referred to Committee on Transportation	457
Feb.	14	Notice of hearing (3/7)	745
Mar.	22	Indefinitely postponed	1244

LEGISLATIVE BILL 687. By Will

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on General Affairs	457
Feb.	6	Notice of hearing (3/6)	625

LEGISLATIVE BILL 688. By Will

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on General Affairs	457
Jan.	26	Notice of hearing (2/13)	504

LEGISLATIVE BILL 689. By Landis

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	457
Feb.	16	Notice of hearing (3/21)	776

LEGISLATIVE BILL 690. By Withem, Avery, Hartnett

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	2	Notice of hearing (2/9)	597
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE BILL 691. By Withem

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on Judiciary	457
Feb.	2	Notice of hearing (2/10)	597
Mar.	6	Placed on General File	990
Mar.	7	Placed on General File - Com AM0319 (Corrected Committee Report)	1001

LEGISLATIVE BILL 692. By Withem

Jan.	19	Read first time	383
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/15)	569

LEGISLATIVE BILL 693. By Warner

Jan.	19	Read first time	384
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/8)	569
Feb.	21	Placed on General File	794
Apr.	6	Warner AM1450 printed	1525
Apr.	13	Warner pending AM1450 p. 1525 withdrawn. Warner FA150 adopted. Advanced for Review	1667
Apr.	19	Placed on Select File - AM7119	1732
Apr.	25	AM7119 (E & R) adopted. Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	25	Warner AM2523 printed	2592

LEGISLATIVE BILL 693A. By Warner

Mar.	30	Read first time. Placed on General File	1441
Apr.	13	Advanced for Review	1667
Apr.	19	Placed on Select File	1733
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	18	Wesely AM2351 printed	2348
May	22	Wesely pending AM2351 p. 2348 withdrawn	2405
May	22	Returned to Select File for Wesely amendment. Wesely AM2413 adopted. Advanced for Reengrossment	2406
May	23	Correctly Reengrossed. ER9090 change	2481
June	1	Final Reading w/E 41-0-8	2711
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 694. By Warner, Bromm, Schimek

Jan.	19	Read first time	384
Jan.	19	Matzke name added	430
Jan.	24	Referred to Committee on Health and Human Services	457
Jan.	30	Beutler name added	534
Feb.	8	Notice of hearing (3/10)	665

LEGISLATIVE BILL 695. By Bernard-Stevens

Jan.	19	Read first time	384
Jan.	24	Referred to Committee on Judiciary	457
Jan.	26	Notice of hearing (2/2)	504
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 696. By Schrock, Avery, Coordsen, Dierks, Engel, Hillman, Jensen, Maurstad

Jan.	19	Read first time	384
Jan.	24	Referred to Committee on Transportation	457
Feb.	2	Notice of hearing (2/28)	598
Mar.	22	Placed on General File	1243
Apr.	12	Kristensen AM1628 printed separate	1646
May	3	Kristensen pending AM1628 p. 1646 and Brashear AM1652 withdrawn. Advanced for Review	1937
May	4	Placed on Select File	1988
May	10	Advanced for Engrossment	2092
May	11	Correctly Engrossed	2146
May	22	Beutler motion to return to Select File for FA256 lost	2390
May	31	Final Reading 37-5-7	2681

May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	8	Approved by Governor (6/6)	2752

LEGISLATIVE BILL 697. By Beutler

Jan.	19	Read first time	384
Jan.	24	Referred to Committee on Judiciary	457
Jan.	25	Notice of hearing (2/1)	482
Feb.	13	Indefinitely postponed	726

(Provisions/portions of LB 697 amended into LB 189 by AM2234)

LEGISLATIVE BILL 698. By Brown

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (2/22)	664
Mar.	1	Placed on General File - Com AM0677	943

LEGISLATIVE BILL 699. By Brashear

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Business and Labor	457
Feb.	2	Notice of hearing (2/13)	583
Feb.	14	Placed on General File	748
Apr.	25	Advanced for Review	1812
Apr.	25	Brown and Maurstad names added	1816
Apr.	25	Placed on Select File - AM7127	1829
Apr.	27	AM7127 (E & R) adopted. Brashear AM1808 adopted. Advanced for Engrossment	1867
May	2	Correctly Engrossed. ER9065 change	1922
May	17	Final Reading 32-0-17	2230
May	17	Brown explanation of vote	2242
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 700. By Wickersham

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Nebraska Retirement Systems	457
Jan.	26	Notice of hearing (2/2)	493
Feb.	13	Placed on General File	719
Mar.	10	Nebraska Retirement Systems Committee priority bill	1065
May	10	Wickersham AM2150 printed separate	2126
May	22	Wickersham AM2358 printed separate	2397

LEGISLATIVE BILL 700A. By Wickersham

May	22	Read first time. Placed on General File	2397

LEGISLATIVE BILL 701. By Wickersham

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Nebraska Retirement Systems	457
Jan.	26	Notice of hearing (2/2)	493
Feb.	13	Placed on General File	719

(Provisions/portions of LB 701 amended into LB 369 by AM2377)

LEGISLATIVE BILL 701A. By Wickersham

Feb.	22	Read first time. Placed on General File	817
Mar.	28	Wickersham AM1253 printed	1386

LEGISLATIVE BILL 702. By Wickersham

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Nebraska Retirement Systems	457
Jan.	26	Notice of hearing (2/2)	493

LEGISLATIVE BILL 703. By Wesely, at the request of the Governor

Jan.	19	Read first time	385
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (2/16)	664
Feb.	21	Placed on General File - Com AM0491	808

(Provisions/portions of LB 703 amended into LB 406 by AM1190)
(Provisions/portions of LB 703 amended into LB 406 by AM1460)

LEGISLATIVE BILL 704. By Wesely

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Health and Human Services	457
Feb.	8	Notice of hearing (3/10)	665
Mar.	27	Indefinitely postponed	1336

LEGISLATIVE BILL 705. By Hartnett, Crosby

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Health and	

		Human Services	457
Feb.	8	Notice of hearing (3/8)	665

LEGISLATIVE BILL 706. By Hartnett, Janssen

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Revenue	457
Feb.	1	Notice of hearing (2/16)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 707. By Hartnett

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Revenue	458
Feb.	1	Notice of hearing (2/16)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 708. By Hartnett

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Education	458
Jan.	25	Bromm name added	484
Jan.	31	Notice of hearing (2/28)	538
Mar.	7	Placed on General File - Com AM0758	996

LEGISLATIVE BILL 709. By Hartnett, Avery, Withem

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Nebraska Retirement Systems	458
Feb.	2	Notice of hearing (2/13)	583
Mar.	16	Indefinitely postponed	1166

LEGISLATIVE BILL 710. By Nebraska Retirement Systems Committee

Jan.	19	Read first time	386
Jan.	24	Referred to Committee on Nebraska Retirement Systems	458
Feb.	1	Notice of hearing (2/8)	568
Feb.	22	Placed on General File	836

LEGISLATIVE BILL 711. By Will, Crosby

Jan.	19	Read first time	387
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	458
Feb.	6	Notice of hearing (2/14)	617

LEGISLATIVE BILL 712. By Matzke, Wesely

Jan.	19	Read first time	387
Jan.	24	Referred to Committee on Health and Human Services	458
Feb.	2	Notice of hearing (2/10)	597
Feb.	21	Placed on General File	805
Mar.	6	Matzke priority bill	975
Mar.	8	Lindsay FA75 adopted. Advanced for Review	1020
Mar.	13	Placed on Select File - AM7054 (printed separate)	1071
Mar.	27	Kristensen AM1216 to AM7054 printed	1368
Apr.	4	Matzke AM1371 to AM7054 printed	1450
Apr.	6	Stuhr AM1518 to AM7054 printed	1532
Apr.	6	Bromm AM1446 and AM1503 to AM7054 printed	1535
Apr.	7	AM7054 (E & R) adopted. Kristensen request to substitute amendment prevailed. Kristensen pending AM1216 p. 1368 withdrawn. Kristensen substitute AM1288 and Hall AM1532 to AM1288 pending	1549
Apr.	7	Hall pending AM1532 p. 1549 ruled not germane. Challenge of Chair withdrawn. Kristensen pending AM1288 p. 1549 adopted. Bromm name added to AM1371. Matzke-Bromm pending AM1371 p. 1450 adopted. Matzke AM1529 and AM1530 to AM1518 adopted	1555
Apr.	7	Bromm AM1551 to AM7054 printed	1570
Apr.	10	Matzke-Stuhr AM1579 to AM7054 printed	1603
Apr.	11	Stuhr pending AM1518 p. 1532 adopted as amended by Matzke-Stuhr pending AM1579 p. 1603 and Bernard-Stevens-Bromm FA138. Bernard-Stevens motion to bracket until 4/13/95 withdrawn. Bromm pending AM1446 p. 1535 pending	1606
Apr.	11	Bromm pending AM1446 and AM1503 p. 1535 adopted. Bromm pending AM1551 p. 1570 and Witek AM1588 withdrawn. Jensen AM1586 adopted as amended by Chambers FA139. Hall FA140, FA141, and FA142 adopted. Hall FA143 lost. Chambers FA144 pending	1611
Apr.	11	Bernard-Stevens FA145 to FA144 lost. Chambers FA146 to FA144 pending	1619
Apr.	13	Chambers AM1641 to AM7054 printed	1657
May	3	Chambers request to substitute amendments prevailed. Chambers FA144 p. 1613 and FA146 p. 1620 withdrawn. Chambers substitute FA184 lost. Bromm-Chambers FA185 and Beutler FA187 adopted. Hall reoffered AM1532 p. 1549 lost.	

		Matzke motion to invoke cloture prevailed. Advanced for Engrossment	1938
May	10	Correctly Engrossed. ER9071 change	2088
May	31	Chambers motion to return to Select File for AM1641 p. 1657 lost	2683
May	31	Final Reading 31-11-7	2684
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 712A. By Matzke

Mar.	23	Read first time. Placed on General File	1277
Mar.	28	Advanced for Review	1376
Mar.	28	Placed on Select File	1396
May	3	Chambers motion to indefinitely postpone pending	1942
May	3	Chambers pending motion p. 1942 withdrawn. Advanced for Engrossment	1951
May	10	Correctly Engrossed	2088
May	31	Final Reading 35-6-8	2685
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31)	2695
June	1	Approved by Governor (6/1)	2744

LEGISLATIVE BILL 713. By Kristensen

Jan.	19	Read first time	387
Jan.	24	Referred to Committee on Transportation	458
Feb.	2	Notice of hearing (2/21)	598
Mar.	14	Transportation Committee priority bill	1089
Mar.	21	Placed on General File - Com AM1002	1200

LEGISLATIVE BILL 714. By Kristensen

Jan.	19	Read first time	387
Jan.	24	Referred to Committee on Transportation	458
Feb.	14	Notice of hearing (3/6)	745

LEGISLATIVE BILL 715. By Kristensen

Jan.	19	Read first time	387
Jan.	24	Referred to Committee on Transportation	458
Jan.	27	Notice of hearing (2/7)	509
Mar.	10	Placed on General File - Com AM0849 (printed separate)	1063
Mar.	10	Kristensen AM0889 to committee AM0849 printed	1065
Mar.	10	Transportation Committee name added	1066

Mar.	13	Transportation Committee priority bill	1085
Mar.	16	Crosby AM1013 printed	1180

LEGISLATIVE BILL 716. By Wickersham, Beutler, Bromm, Matzke

Jan.	19	Read first time	388
Jan.	24	Referred to Committee on Education	458
Jan.	31	Notice of hearing (3/6)	538
Mar.	22	Placed on General File - Com AM1080	1250

LEGISLATIVE BILL 717. By Schimek

Jan.	19	Read first time	392
Jan.	24	Referred to Committee on Urban Affairs	458
Jan.	31	Notice of hearing (2/7)	539
Mar.	15	Speaker priority bill	1124

LEGISLATIVE BILL 718. By Agriculture Committee

Jan.	19	Read first time	392
Jan.	24	Referred to Committee on Agriculture	458
Jan.	27	Notice of hearing (2/14)	509
Feb.	28	Placed on General File - Com AM0439	936
Mar.	7	Agriculture Committee priority bill	1002
Mar.	9	Committee AM0439 adopted. Advanced for Review	1038
Mar.	15	Placed on Select File _ AM7062	1122
Mar.	22	Dierks AM1147 printed	1253
Mar.	27	Dierks AM1222 printed	1367
Apr.	12	AM7062 (E & R) adopted. Dierks pending AM1147 p. 1253 withdrawn. Dierks pending AM1222 p. 1367 adopted. Advanced for Engrossment	1644
Apr.	18	Correctly Engrossed. ER9050 change	1678
Apr.	27	Final Reading 39-0-10	1871
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

LEGISLATIVE BILL 719. By Wehrbein

Jan.	19	Read first time	392
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	458
Feb.	22	Notice of hearing (3/1)	830
May	3	Wehrbein motion to place on General File laid over	1948
May	5	Wehrbein pending motion p. 1948 withdrawn	2013

LEGISLATIVE BILL 720. By Wehrbein

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Appropriations	458
Feb.	1	Notice of hearing (3/9)	561

LEGISLATIVE BILL 721. By Wehrbein

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Judiciary	458
Jan.	25	Notice of hearing (2/1)	482
Feb.	2	Placed on General File	594
Mar.	22	Withem AM1082 printed	1219
Mar.	23	Withem AM1156 printed	1276

(Provisions/portions of LB 721 amended into LB 189 by AM2234)

LEGISLATIVE BILL 722. By Wehrbein

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Appropriations	458
Feb.	1	Notice of hearing (3/10)	561
Mar.	15	Speaker priority bill	1124

LEGISLATIVE BILL 723. By Pedersen

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Nebraska Retirement Systems	458
Feb.	2	Notice of hearing (2/13)	583

LEGISLATIVE BILL 724. By Fisher, Coordsen

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Revenue	458
Feb.	1	Notice of hearing (2/10)	569
Feb.	21	Indefinitely postponed	795

LEGISLATIVE BILL 725. By Fisher

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	458
Feb.	16	Notice of hearing (2/28)	775
Mar.	6	Placed on General File - Com AM0726	969

(Provisions/portions of LB 725 amended into LB 384 by AM1357)

LEGISLATIVE BILL 726. By Wehrbein, at the request of the Governor

Jan.	19	Read first time	393
Jan.	24	Referred to Committee on Health and Human Services	458
Feb.	8	Notice of hearing (3/8)	665
Mar.	10	Indefinitely postponed	1063

LEGISLATIVE BILL 727. By Witek

Jan.	19	Read first time	394
Jan.	24	Referred to Committee on Judiciary	458
Mar.	7	Notice of hearing (3/15)	1001
Mar.	16	Placed on General File	1170

LEGISLATIVE BILL 728. By Witek

Jan.	19	Read first time	394
Jan.	24	Referred to Committee on Executive Board	458
Jan.	31	Notice of hearing (2/7)	540
Feb.	14	Indefinitely postponed	741

LEGISLATIVE BILL 729. By Witek

Jan.	19	Read first time	394
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	458
Feb.	8	Notice of hearing (2/16)	637
Feb.	22	Placed on General File	820
Apr.	26	Advanced for Review	1843
Apr.	26	Placed on Select File	1859
May	5	Advanced for Engrossment	2003
May	10	Correctly Engrossed	2111
May	19	Final Reading 30-1-18	2361
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Maurstad explanation of vote	2395
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 730. By Witek, Day, Dierks, Fisher, Pirsch, Robak

Jan.	19	Read first time	394
Jan.	25	Referred to Committee on Judiciary	468
Jan.	25	Preister name added	484
Jan.	26	Notice of hearing (2/2)	504
Feb.	6	Indefinitely postponed	624

LEGISLATIVE BILL 731. By Kristensen, Bromm, Maurstad

Jan.	19	Read first time	394
Jan.	25	Referred to Committee on Natural Resources	468
Feb.	28	Notice of hearing (3/16)	941

LEGISLATIVE BILL 732. By Cudaback

Jan.	19	Read first time	394
Jan.	25	Referred to Committee on Revenue	468
Feb.	27	Notice of hearing (3/16)	918
Apr.	4	Placed on General File	1454
May	5	Advanced for Review	2003
May	8	Placed on Select File	2027
May	9	Advanced for Engrossment	2037
May	10	Correctly Engrossed	2122
May	19	Final Reading 31-0-18	2362
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Maurstad explanation of vote	2395
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 733. By Hartnett, Avery, Kristensen, McKenzie, Robinson

Jan.	19	Read first time	394
Jan.	25	Referred to Committee on Education	468
Jan.	31	Notice of hearing (3/6)	538

LEGISLATIVE BILL 734. By Bromm

Jan.	19	Read first time	395
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	468
Feb.	16	Notice of hearing (2/28)	775

LEGISLATIVE BILL 735. By Abboud, Avery, Brashear, Brown, Hall, Hartnett, Jensen, Lindsay, Lynch, Pedersen, Pirsch, Preister, Witek, Withem

Jan.	19	Read first time	395
Jan.	24	Will name added	467
Jan.	25	Referred to Committee on Education	468
Jan.	31	Notice of hearing (3/13)	539
Mar.	14	Attorney General's Opinion #95020 to Bohlke	1089
Mar.	21	Indefinitely postponed	1186

LEGISLATIVE BILL 736. By Lynch

Jan.	19	Read first time	395
Jan.	25	Referred to Committee on Nebraska Retirement Systems	469
Feb.	2	Notice of hearing (2/10)	583

LEGISLATIVE BILL 737. By Will

Jan.	19	Read first time	395
Jan.	25	Referred to Committee on Education	469
Jan.	30	Notice of hearing (2/14)	523
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 738. By Robinson, Hartnett, Preister, Schimek

Jan.	19	Read first time	395
Jan.	25	Referred to Committee on Urban Affairs	469
Jan.	31	Notice of hearing (2/14)	539
Feb.	21	Indefinitely postponed	802

(Provisions/portions of LB 738 amended into LB 469 by AM0510)

LEGISLATIVE BILL 739. By McKenzie

Jan.	19	Read first time	395
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	8	Notice of hearing (2/23)	664
Feb.	28	Schimek name added	942
Mar.	7	Placed on General File - Com AM0773	1011
Apr.	13	Committee AM0773 adopted. Advanced for Review	1666
Apr.	19	Placed on Select File	1732
Apr.	27	Witek AM1851 adopted. Advanced for Engrossment	1866
May	2	Correctly Engrossed. ER9063 change	1922
May	17	Final Reading 31-0-18	2230
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	22	Stuhr explanation of vote	2395
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 740. By McKenzie

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Education	469
Jan.	31	Notice of hearing (3/13)	538

LEGISLATIVE BILL 741. By McKenzie

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Education	469
Jan.	31	Notice of hearing (2/28)	538

LEGISLATIVE BILL 742. By McKenzie, at the request of the Governor

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Education	469
Jan.	30	Notice of hearing (2/21)	524
Mar.	10	Placed on General File - Com AM0869	1042
Mar.	13	Bromm priority bill	1068
Mar.	16	Bohlke AM1019 to committee AM0869 printed	1177
Mar.	21	McKenzie-Bernard-Stevens-Bromm AM1040 to committee AM0869 printed	1204
Mar.	28	McKenzie-Bernard-Stevens AM1313 to committee AM0869 printed	1392
Apr.	19	Bohlke pending AM1019 p. 1177 to committee AM0869 adopted. McKenzie et al pending AM1040 p. 1240 withdrawn. McKenzie-Bernard-Stevens pending AM1313 p. 1392 pending	1706
Apr.	19	McKenzie-Bernard-Stevens pending AM1313 p. 1392 and McKenzie FA157 to committee AM0869 adopted. Chambers FA156 withdrawn	1731
Apr.	19	Chambers FA158 withdrawn. Committee AM0869 adopted as amended. Advanced for Review	1735
Apr.	20	Placed on Select File - AM7121 (printed separate)	1758
Apr.	21	Bohlke AM1742 to AM7121 printed	1788
Apr.	27	Pedersen AM1845 to AM7121 printed	1900
May	4	McKenzie-Bernard-Stevens AM1971 printed separate	1979
May	5	McKenzie-Bernard-Stevens AM2032 printed separate	2013
May	10	McKenzie-Bernard-Stevens AM2114 printed separate	2126
May	11	Bohlke AM2156 to AM2114 printed	2130
May	11	Bromm-Bohlke AM2173 to AM2114 printed	2148
May	16	AM7121 (E & R) adopted. Bohlke pending AM1742 p. 1788, McKenzie-Bernard-Stevens pending AM1971 p. 1979 and AM2032 p. 2013, and Pedersen pending AM1845 p. 1900 withdrawn. withdrawn Bohlke pending AM2156 p. 2130 to AM2114 adopted	2218
May	17	McKenzie AM2236 to AM2114 printed	2259
May	22	Bromm-Bohlke request to substitute amendment prevailed. Bromm-Bohlke pending AM2173 p. 2148 withdrawn. Bromm-Bohlke substitute AM2415 to AM2114 sustained division of	

		question. Bromm-Bohlke FA266 to AM2114 adopted. Bernard-Stevens motion to reconsider FA266 pending	2428
May	22	Bernard-Stevens pending motion p. 2431 to reconsider FA266 pending	2433
May	23	Bernard-Stevens pending motion p. 2431 and Bromm-Bohlke remaining portion of divided AM2415 withdrawn. McKenzie-Bernard-Stevens pending AM2114 p. 2126 adopted as amended by Bromm-Bernard-Stevens-Bohlke-McKenzie AM2483, McKenzie pending AM2236 p. 2259, and Stuhr AM2427 and FA287. Stuhr AM2424 and Pedersen-Avery AM2456 withdrawn. Bernard-Stevens FA288 and Withem FA289 lost. Advanced for Engrossment	2485
May	24	Correctly Engrossed	2536
May	24	ER9093 change	2537
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 45-3-1	2780
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 742A. By McKenzie

May	9	Read first time. Placed on General File	2067
May	11	Bromm-Bohlke AM2184 printed	2147
May	16	Bernard-Stevens AM2196 printed	2160
May	19	Bernard-Stevens pending AM2196 p. 2160 adopted. Bernard-Stevens FA253 lost. Bernard-Stevens motion to reconsider FA253 withdrawn. Advanced for Review	2368
May	19	Placed on Select File	2381
May	23	Bromm-Bohlke pending AM2184 p. 2147 withdrawn. Bernard-Stevens AM2480 and McKenzie AM2489 adopted. Advanced for Engrossment	2490
May	24	Correctly Engrossed	2536
May	24	ER9094 change	2538
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 46-2-1	2781
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 743. By Warner

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Revenue	469
Feb.	27	Notice of hearing (3/10)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 744. By Warner

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Revenue	469
Feb.	27	Notice of hearing (3/10)	918

LEGISLATIVE BILL 745. By Warner

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Revenue	469
Feb.	27	Notice of hearing (3/10)	918

LEGISLATIVE BILL 746. By Witek, Jensen

Jan.	19	Read first time	396
Jan.	25	Referred to Committee on Judiciary	469
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 747. By Robak

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	2	Notice of hearing (2/9)	597

LEGISLATIVE BILL 748. By Landis

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	469
Feb.	16	Notice of hearing (3/13)	775
Mar.	16	Placed on General File	1164

LEGISLATIVE BILL 749. By Landis

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	8	Notice of hearing (2/23)	664

LEGISLATIVE BILL 750. By Landis, Schimek

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Judiciary	469
Jan.	27	Vrtiska name added	520
Mar.	1	Notice of hearing (3/10)	949
Mar.	14	Placed on General File - Com AM0941	1112
Mar.	14	Preister priority bill	1116
Mar.	27	Kristensen AM1274 to committee AM0941 printed	1372
Mar.	30	Preister name added	1447
May	17	Kristensen pending AM1274 p. 1372 to committee AM0941 adopted	2290
May	17	Hall FA232 lost. Abboud AM2307 ruled not germane. Challenge of Chair lost. Hall motion to bracket until 6/9/95 lost. Beutler FA233 pending	2306
May	18	Bernard-Stevens motion to bracket until 6/8/95 prevailed	2329

LEGISLATIVE BILL 751. By Crosby

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Transportation	469
Feb.	14	Notice of hearing (3/7)	745
Mar.	22	Indefinitely postponed	1245

LEGISLATIVE BILL 752. By Robak, Wesely

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	2	Notice of hearing (2/9)	597
Feb.	14	Placed on General File - Com AM0369	731
Feb.	23	Robak priority bill	857
Mar.	21	Committee AM0369 adopted. Robak AM1031 adopted. Advanced for Review	1189
Mar.	21	Beutler AM1073 printed	1190
Mar.	21	Witek AM1070 and AM1071 printed	1191
Mar.	21	Witek AM1072 printed	1192
Mar.	22	Placed on Select File - AM7075	1213
Mar.	28	Robak AM1180 to AM7075 printed	1375
Apr.	4	Robak AM1388 printed	1459
Apr.	5	Robak AM1443 to AM1388 printed	1485
Apr.	24	AM7075 (E & R) adopted. Beutler pending AM1073 p. 1190 and AM1765, Witek pending AM1070, AM1071, and AM1072 pp. 1191-1192, Robak pending AM1180 p. 1375 and AM1443 p. 1485 withdrawn. Robak pending AM1388 p. 1459 and and Beutler FA166 adopted.	

		Advanced for Engrossment	1803
Apr.	26	Correctly Engrossed	1840
Apr.	26	ER9057 change	1841
May	31	Final Reading 41-0-8	2687
May	31	Speaker signed	2693
June	1	Presented to Governor (5/31). Schrock explanation of vote	2695
June	8	Approved by Governor (6/2)	2750

LEGISLATIVE BILL 753. By Hartnett

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Judiciary	469
Feb.	16	Notice of hearing (2/24)	784
Feb.	27	Indefinitely postponed	922
Mar.	21	Attorney General's Opinion #95013 to Hartnett	1187

LEGISLATIVE BILL 754. By Bohlke

Jan.	19	Read first time	397
Jan.	25	Referred to Committee on Education	469
Jan.	31	Notice of hearing (2/27)	538

LEGISLATIVE BILL 755. By Jensen, Avery, Jones, Pirsch, Robinson, Schrock, Witek

Jan.	19	Read first time	398
Jan.	25	Referred to Committee on Judiciary	469
Feb.	16	Notice of hearing (2/24)	784
Feb.	27	Indefinitely postponed	923

LEGISLATIVE BILL 756. By Hartnett, Engel, Hillman, Janssen, Preister, Wickersham

Jan.	19	Read first time	398
Jan.	25	Referred to Committee on Urban Affairs	469
Jan.	31	Notice of hearing (2/7)	539
Feb.	13	Placed on General File	719
Mar.	30	Advanced for Review	1437
Apr.	6	Placed on Select File	1523
Apr.	7	Advanced for Engrossment	1563
Apr.	10	Correctly Engrossed	1602
Apr.	21	Final Reading 42-0-7	1778
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 757. By Hartnett, Hillman, Janssen, Preister

Jan.	19	Read first time	398
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	469
Feb.	8	Notice of hearing (2/22)	637
Feb.	28	Indefinitely postponed	936

LEGISLATIVE BILL 758. By Cudaback

Jan.	19	Read first time	398
Jan.	25	Referred to Committee on Judiciary	469
Feb.	2	Notice of hearing (2/10)	597
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 759. By Abboud

Jan.	19	Read first time	398
Jan.	25	Referred to Committee on Business and Labor	469
Jan.	30	Notice of hearing (2/6)	523
Feb.	7	Placed on General File	630
Mar.	16	Advanced for Review	1168
Mar.	21	Placed on Select File	1198
Mar.	30	Advanced for Engrossment	1427
Apr.	5	Correctly Engrossed	1479
Apr.	21	Final Reading 37-0-12	1767
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 760. By Robinson, Hartnett, Janssen, Jones, Pirsch, Schmitt, Witek

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on Revenue	469
Feb.	1	Notice of hearing (2/15)	569
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 761. By Hartnett, Robinson

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on Education	469
Jan.	31	Notice of hearing (3/6)	538
Mar.	21	Indefinitely postponed	1190

LEGISLATIVE BILL 762. By Hartnett

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on General Affairs	469
Feb.	6	Notice of hearing (2/27)	625
Mar.	6	Placed on General File	980

Apr.	26	Advanced for Review	1843
Apr.	26	Placed on Select File	1859
May	5	Elmer AM2007 lost. Advanced for Engrossment	2003
May	10	Correctly Engrossed	2111
May	19	Final Reading 31-2-16	2363
May	19	Speaker signed. Presented to Governor (5/19)	2374
May	22	Maurstad explanation of vote	2395
May	22	Bromm explanation of vote	2398
May	22	Engel explanation of vote	2415
May	24	Approved by Governor (5/24)	2505

LEGISLATIVE BILL 763. By Landis

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	8	Notice of hearing (2/22)	664

LEGISLATIVE BILL 764. By Beutler

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on Natural Resources	469
Feb.	2	Notice of hearing (2/10)	586

LEGISLATIVE BILL 765. By General Affairs Committee

Jan.	19	Read first time	399
Jan.	25	Referred to Committee on General Affairs	469
Jan.	26	Notice of hearing (2/13)	504
Mar.	9	General Affairs Committee priority bill	1037
Apr.	20	Placed on General File - Com AM1654 (printed separate)	1749
May	31	Lindsay AM2585 to committee AM1654 printed	2678

LEGISLATIVE BILL 766. By Day, Brown, Jones, Pedersen, Pirsch, Schrock

Jan.	19	Read first time	400
Jan.	25	Referred to Committee on Transportation	469
Feb.	2	Notice of hearing (2/27)	598
Mar.	2	Placed on General File	959

LEGISLATIVE BILL 766A. By Day

Mar.	14	Read first time. Placed on General File	1104

LEGISLATIVE BILL 767. By Schellpeper, Elmer, Engel, Fisher

Jan.	19	Read first time	400
Jan.	25	Referred to Committee on General Affairs	469
Feb.	6	Notice of hearing (3/13)	625
Feb.	16	Will AM0327 printed	780

LEGISLATIVE BILL 768. By Schellpeper

Jan.	19	Read first time	400
Jan.	25	Referred to Committee on General Affairs	469
Jan.	26	Notice of hearing (2/6)	504
Jan.	27	Notice of hearing (2/6) (Cancel)	515
Feb.	6	Notice of hearing (3/13) (Reset)	625
Feb.	23	Schellpeper motion to withdraw bill laid over	851
Feb.	24	Notice of hearing (3/13) (Cancel)	873
Mar.	1	Schellpeper pending motion p. 851 prevailed. Withdrawn	945

LEGISLATIVE BILL 769. By Wesely, Crosby, Preister

Jan.	19	Read first time	400
Jan.	25	Referred to Committee on Transportation	469
Jan.	27	Notice of hearing (2/7)	509
Mar.	22	Indefinitely postponed	1245

LEGISLATIVE BILL 770. By Wesely, Crosby

Jan.	19	Read first time	402
Jan.	25	Referred to Committee on Revenue	469
Feb.	27	Notice of hearing (3/15)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 771. By Bromm, Hudkins

Jan.	19	Read first time	402
Jan.	25	Referred to Committee on Revenue	469
Feb.	2	Notice of hearing (3/2)	584
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 772. By Bromm

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	469
Feb.	8	Notice of hearing (2/16)	637
Feb.	22	Placed on General File - Com AM0516	820
Mar.	30	Committee AM0516 adopted. Advanced for Review	1440
Apr.	7	Placed on Select File - AM7089	1576
Apr.	13	AM7089 (E & R) adopted.	

		Advanced for Engrossment	1656
Apr.	20	Correctly Engrossed	1758
Apr.	27	Corrected Report - Correctly Engrossed. ER9062 change	1879
May	10	Final Reading w/E 42-0-7	2094
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 773. By Beutler

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	469
Feb.	16	Notice of hearing (3/6)	775
Mar.	22	Indefinitely postponed	1259

LEGISLATIVE BILL 774. By Beutler

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	469
Feb.	16	Notice of hearing (3/7)	775
Mar.	8	Placed on General File - Com AM0807	1024
Apr.	13	Committee AM0807 adopted. Advanced for Review	1666
Apr.	19	Placed on Select File	1732
Apr.	26	Advanced for Engrossment	1844
Apr.	27	Correctly Engrossed	1892
May	10	Final Reading 40-0-9	2095
May	10	Speaker signed	2103
May	10	Presented to Governor (5/10)	2110
May	11	Witek explanation of vote	2138
May	16	Approved by Governor (5/15)	2153

LEGISLATIVE BILL 775. By Wesely, Beutler, Crosby, Day, Robak, Schimek, Schmitt

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Judiciary	469
Jan.	26	Notice of hearing (2/2)	504
Feb.	6	Indefinitely postponed	624

LEGISLATIVE BILL 776. By Wesely

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Judiciary	469
Jan.	26	Notice of hearing (2/2)	504
Feb.	6	Indefinitely postponed	624

LEGISLATIVE BILL 777. By Wesely

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Health and Human Services	469
Feb.	8	Notice of hearing (2/24)	664

LEGISLATIVE BILL 778. By Wesely, Beutler

Jan.	19	Read first time	403
Jan.	25	Referred to Committee on Judiciary	469
Mar.	7	Notice of hearing (3/15)	1001

LEGISLATIVE BILL 779. By Wesely

Jan.	19	Read first time	404
Jan.	25	Referred to Committee on Judiciary	469
Mar.	7	Notice of hearing (3/15)	1001
Mar.	16	Indefinitely postponed	1170

LEGISLATIVE BILL 780. By Hartnett

Jan.	19	Read first time	404
Jan.	25	Referred to Committee on Education	469
Jan.	31	Notice of hearing (3/6)	538
Mar.	22	Indefinitely postponed	1216

LEGISLATIVE BILL 781. By Hall, Hartnett, Preister, Schimek

Jan.	19	Read first time	404
Jan.	25	Referred to Committee on Urban Affairs	469
Jan.	31	Notice of hearing (2/14)	539
Mar.	2	Placed on General File	957

LEGISLATIVE BILL 782. By Hartnett, Abboud, Preister, Schimek

Jan.	19	Read first time	404
Jan.	25	Referred to Committee on Urban Affairs	469
Jan.	31	Notice of hearing (2/14)	539
Feb.	21	Indefinitely postponed	803

(Provisions/portions of LB 782 amended into LB 469 by AM0510)

LEGISLATIVE BILL 783. By Hartnett, Abboud, Preister, Schimek

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Urban Affairs	469
Jan.	31	Notice of hearing (2/14)	539

Feb.	21	Indefinitely postponed	803

(Provisions/portions of LB 783 amended into LB 469 by AM0510)

LEGISLATIVE BILL 784. By Chambers

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Judiciary	469
Feb.	15	Notice of hearing (2/22)	768
Feb.	24	Placed on General File - Com AM0609	877

LEGISLATIVE BILL 785. By Vrtiska

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Education	470
Jan.	31	Notice of hearing (3/13)	539
Mar.	16	Placed on General File - Com AM1025	1177

(Provisions/portions of LB 785 amended into LB 123 by AM1349)

LEGISLATIVE BILL 786. By Kristensen

Jan.	19	Attorney General's Opinion #95003 to Kristensen	370
Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Education	470
Jan.	31	Notice of hearing (3/6)	538
Mar.	21	Indefinitely postponed	1190

LEGISLATIVE BILL 787. By Kristensen

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Judiciary	470
Feb.	1	Notice of hearing (2/8)	569
Feb.	13	Indefinitely postponed	726

LEGISLATIVE BILL 788. By Landis, at the request of the Governor

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	10	Fisher name added	713
Feb.	14	Notice of hearing (2/21)	737

LEGISLATIVE BILL 789. By Bohlke, McKenzie, Robinson

Jan.	19	Read first time	405
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	23	Notice of hearing (3/9)	851
Mar.	21	Placed on General File	1191

Mar.	23	Placed on General File - Com AM0868 (Corrected Committee Report)	1274

LEGISLATIVE BILL 790. By Warner

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Revenue	470
Feb.	16	Notice of hearing (3/8)	784

LEGISLATIVE BILL 791. By Warner

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (3/2)	584
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 792. By Warner

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (3/2)	584

LEGISLATIVE BILL 793. By Wesely

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	16	Notice of hearing (3/13)	775

LEGISLATIVE BILL 794. By Wesely

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Revenue	470
Feb.	27	Notice of hearing (3/15)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 795. By Wesely

Jan.	19	Read first time	406
Jan.	25	Referred to Committee on Revenue	470
Feb.	27	Notice of hearing (3/15)	918
May	11	Indefinitely postponed	2137

LEGISLATIVE BILL 796. By Wesely

Jan.	19	Read first time	407
Jan.	25	Referred to Committee on Appropriations	470
Feb.	1	Notice of hearing (3/16)	561

LEGISLATIVE BILL 797. By Hillman, Bernard-Stevens, Brown, Day

Jan.	19	Read first time	407
Jan.	25	Referred to Committee on Judiciary	470
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 798. By Avery, Elmer, Hartnett, Hudkins, Jensen, Lynch, Maurstad, Robinson, Schellpeper, Schmitt, Schrock, Witek

Jan.	19	Read first time	407
Jan.	24	Hartnett and Lynch names withdrawn	467
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	15	Maurstad name withdrawn	769
Feb.	23	Notice of hearing (3/10)	851
Mar.	16	Indefinitely postponed	1154

LEGISLATIVE BILL 799. By Cudaback, Lynch

Jan.	19	Read first time	407
Jan.	25	Referred to Committee on Transportation	470
Feb.	2	Notice of hearing (2/21)	598

LEGISLATIVE BILL 800. By Lynch

Jan.	19	Read first time	407
Jan.	25	Referred to Committee on Business and Labor	470
Feb.	7	Notice of hearing (2/27)	629
Mar.	1	Indefinitely postponed	948

LEGISLATIVE BILL 801. By Abboud, Brown, Maurstad, Pirsch, Preister, Witek

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (2/22)	586
Feb.	2	Jensen name added	599
Feb.	14	Brashear name added	748
Mar.	13	Indefinitely postponed	1085

LEGISLATIVE BILL 802. By Abboud, Brown

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Education	470
Jan.	30	Notice of hearing (2/21)	524
Mar.	16	Indefinitely postponed	1177

LEGISLATIVE BILL 803. By Beutler

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Natural Resources	470
Feb.	22	Notice of hearing (3/1)	830

(Provisions/portions of LB 803 amended into LB 871 by AM1200)

LEGISLATIVE BILL 804. By Urban Affairs Committee and Withem

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Urban Affairs	470
Feb.	7	Notice of hearing (2/21)	630
Mar.	2	Placed on General File	957

LEGISLATIVE BILL 805. By Urban Affairs Committee and Withem

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Urban Affairs	470
Feb.	7	Notice of hearing (2/21)	630
Mar.	2	Placed on General File - Com AM0675	959
Apr.	13	Committee AM0675 adopted. Advanced for Review	1666
Apr.	19	Placed on Select File	1732
Apr.	27	Pedersen AM1794 withdrawn. Advanced for Engrossment	1865
May	2	Correctly Engrossed	1922
May	17	Final Reading 33-0-16	2231
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 806. By Urban Affairs Committee and Withem

Jan.	19	Read first time	408
Jan.	25	Referred to Committee on Urban Affairs	470
Feb.	7	Notice of hearing (2/21)	630
Mar.	2	Placed on General File	957

LEGISLATIVE BILL 807. By Robinson, Hartnett, Hillman, Preister

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	8	Notice of hearing (2/16)	637
Feb.	27	Indefinitely postponed	919

LEGISLATIVE BILL 808. By Will

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (2/22)	586
Mar.	13	Indefinitely postponed	1085

LEGISLATIVE BILL 809. By Crosby

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on General Affairs	470
Feb.	6	Notice of hearing (3/6)	625

LEGISLATIVE BILL 810. By Janssen, Bohlke

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on Business and Labor	470
Feb.	21	Notice of hearing (3/6)	792

LEGISLATIVE BILL 811. By Bromm, Coordsen, Cudaback, Dierks, Hudkins, Jones, Schellpeper, Schrock, Stuhr, Wehrbein, Wickersham

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on Agriculture	470
Feb.	2	Notice of hearing (2/21)	584

LEGISLATIVE BILL 812. By Hall, Fisher, Hudkins, Robak

Jan.	19	Read first time	409
Jan.	25	Referred to Committee on Judiciary	470
Mar.	1	Notice of hearing (3/8)	948
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 813. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on Transportation	470
Jan.	27	Notice of hearing (2/7)	509
Mar.	2	Indefinitely postponed	959

LEGISLATIVE BILL 814. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on Transportation	470
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 815. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on Transportation	470
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 816. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	16	Notice of hearing (3/21)	776
Mar.	22	Indefinitely postponed	1259

LEGISLATIVE BILL 817. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on General Affairs	470
Feb.	6	Notice of hearing (3/13)	625
June	1	Will name added	2700

LEGISLATIVE BILL 818. By Hall

Jan.	19	Read first time	410
Jan.	25	Referred to Committee on Education	470
Jan.	31	Notice of hearing (3/7)	538
June	1	Bohlke and McKenzie names added	2700

LEGISLATIVE BILL 819. By Hall

Jan.	19	Read first time	410
Jan.	20	Hall motion to withdraw bill laid over	445
Jan.	23	Hall pending motion p. 445 prevailed. Withdrawn	447

LEGISLATIVE BILL 820. By Hall

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	8	Notice of hearing (2/15)	637
Mar.	14	Placed on General File - Com AM0497	1098
June	1	Robinson name added	2700

LEGISLATIVE BILL 821. By Hall

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Business and Labor	470

Feb.	21	Notice of hearing (3/6)	792
Mar.	8	Indefinitely postponed	1021

LEGISLATIVE BILL 822. By Hall

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (3/2)	584
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE BILL 823. By Hall

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	23	Notice of hearing (3/8)	850
Mar.	1	Janssen-Hall motion to suspend rules to cancel hearing of 3/8 and reschedule hearing on 3/2 prevailed	950
Mar.	1	Notice of hearing (3/2) (Rescheduled)	951
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE BILL 824. By Hall

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Health and Human Services	470
Feb.	8	Notice of hearing (2/15)	663
Feb.	16	Indefinitely postponed	781

LEGISLATIVE BILL 825. By Schimek

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Health and Human Services	470
Feb.	8	Notice of hearing (3/9)	665
Mar.	14	Placed on General File - Com AM0934	1104

LEGISLATIVE BILL 826. By Maurstad

Jan.	19	Read first time	411
Jan.	25	Referred to Committee on Urban Affairs	470
Feb.	7	Notice of hearing (3/7)	630
Mar.	9	Indefinitely postponed	1037

LEGISLATIVE BILL 827. By Cudaback

Jan.	19	Read first time	412
Jan.	25	Referred to Committee on Judiciary	470

Feb.	15	Notice of hearing (2/22)	769
Mar.	2	Placed on General File	964

LEGISLATIVE BILL 828. By Withem, Abboud, Avery, Brashear, Brown, Hartnett, Jensen, Lindsay, Pirsch, Wehrbein

Jan.	19	Read first time	412
Jan.	24	Preister name added	467
Jan.	25	Referred to Committee on Natural Resources	470
Jan.	25	Notice of hearing (2/1)	476
Feb.	13	Speaker priority bill	721
Feb.	14	Placed on General File - Com AM0385	748
Feb.	22	Maurstad FA54 to committee AM0385 pending	834
Feb.	22	Maurstad name added	835
Feb.	23	Maurstad pending FA54 p. 834 lost. Committee AM0385 adopted. Hall FA61 pending	851
Feb.	23	Hall pending FA61 p. 851 lost. Chambers FA62 adopted. Advanced for Review	855
Feb.	23	Placed on Select File - AM7049	858
Feb.	23	AM7049 (E & R) adopted. Janssen-Beutler AM0634 adopted. Advanced for Engrossment	866
Feb.	23	Correctly Engrossed. ER9016 change	867
Feb.	27	Withem motion to suspend rules prevailed	905
Feb.	27	Final Reading w/E 39-7-3	907
Feb.	27	President signed	916
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/27)	928

LEGISLATIVE BILL 829. By Withem, Abboud, Avery, Brashear, Brown, Jensen, Lindsay, Pirsch, Wehrbein

Jan.	19	Read first time	412
Jan.	24	Preister name added	467
Jan.	25	Referred to Committee on Revenue	470
Jan.	25	Notice of hearing (2/1)	476
Feb.	13	Speaker priority bill	721
Feb.	14	Placed on General File - Com AM0364 (printed separate)	742
Feb.	15	Warner AM0426 to committee AM0364 printed	757
Feb.	21	Committee AM0364 pending	815
Feb.	22	Committee AM0364 sustained division of question. Committee FA51 (all of AM0364 except Section 36) (on file) adopted as amended by Warner pending AM0426 p. 757 and Bernard-Stevens FA53. Wesely AM0538 withdrawn	818
Feb.	22	Committee FA52 (section 36) lost. Warner	

		AM0440 adopted. Advanced for Review	831
Feb.	22	Hall FA55 printed. Maurstad name added	835
Feb.	22	Placed on Select File - AM7048 (printed separate)	836
Feb.	22	Wesely AM0565 to AM7048 printed	841
Feb.	22	Wesely AM0598 to AM7048 printed	845
Feb.	22	Wesely AM0600 to AM7048 printed	848
Feb.	23	AM7048 (E & R) adopted. Wesely pending AM0600 p. 848 adopted. Hall pending FA55 p. 835 withdrawn. Wesely pending AM0565 p. 841 pending	857
Feb.	23	Wesely pending AM0565 p. 841 and Wickersham AM0632 lost. Wesely pending AM0598 p. 845 and Bernard-Stevens FA63 withdrawn	859
Feb.	23	Brashear AM0612 sustained division of question. Brashear FA64 and FA65, Chambers FA66, and Warner-Will FA68 adopted. Dierks FA67 lost. Advanced for Engrossment	862
Feb.	23	Correctly Engrossed. ER9015 change	867
Feb.	27	Withem motion to suspend rules prevailed	905
Feb.	27	Withem motion to return to Select File for FA71 withdrawn. Failed on Final Reading w/E 30-13-6	906
Feb.	27	Final Reading 31-12-6	907
Feb.	27	Correctly Enrolled	918
Feb.	27	President signed	926
Feb.	28	Presented to Governor (2/27)	927
Feb.	28	Approved by Governor (2/27)	928

LEGISLATIVE BILL 830. By Withem, Abboud, Avery, Brashear, Brown, Jensen, Lindsay, Pirsch, Wehrbein

Jan.	19	Read first time	412
Jan.	24	Preister name added	467
Jan.	25	Referred to Committee on Revenue	470
Jan.	25	Notice of hearing (2/1)	476
Feb.	13	Speaker priority bill	721
Feb.	14	Placed on General File - Com AM0363 (printed separate)	742
Feb.	16	Committee AM0363 adopted. Jones AM0451 and Coordsen FA39 lost	776
Feb.	16	Wickersham FA40 printed. Coordsen AM0463 printed	780
Feb.	21	Chambers FA41 lost	793
Feb.	21	Wesely AM0464 withdrawn. Chambers FA42 adopted. Bromm FA43 to AM0463 adopted. Chambers FA44 lost	796
Feb.	21	Coordsen pending AM0463 p. 780, Wickersham	

		pending FA40 p. 780, Hall FA46 and FA49, and Chambers FA50 lost. Chambers FA45 adopted. Hall FA47 and FA48 withdrawn. Withem motion to invoke cloture prevailed. Advanced for Review	811
Feb.	22	Placed on Select File - AM7047 (printed separate)	831
Feb.	22	Coordsen AM0556 to AM7047 printed	833
Feb.	22	Maurstad name added	835
Feb.	22	AM7047 (E & R) adopted. Coordsen pending AM0556 p. 833, Wesely AM0594, and Jones AM0587 adopted. Wesely AM0539, Dierks AM0569, and Wickersham FA56 lost	836
Feb.	22	Chambers FA57 and Withem AM0595 adopted. Wickersham FA58 lost. Withem AM0596 and Chambers FA59 to AM0596 pending	842
Feb.	22	Chambers pending FA59 p. 844 withdrawn. Withem pending AM0596 p. 843 adopted. Kristensen AM0599 adopted as amended by Wesely FA60. Withem motion to suspend rules and vote without debate pending	844
Feb.	22	Withem pending motion p. 845 prevailed. Advanced for Engrossment	846
Feb.	22	Correctly Engrossed. ER9014 change	848
Feb.	24	Withem motion to suspend rules and permit Final Reading prevailed. Wickersham motion to return to Select File for AM0635 lost	874
Feb.	24	Withem motion to return to Select File for FA69 and Hall motion to return to Select File for FA70 withdrawn	875
Feb.	24	Final Reading w/E 33-11-5	876
Feb.	24	Speaker signed	877
Feb.	27	Presented to Governor (2/24). Approved by Governor (2/24)	892
Feb.	27	Attorney General's Opinion #95015 to Wesely	896
Feb.	27	Attorney General's Opinion #95016 to Schellpeper	901
Feb.	27	Schellpeper explanation of vote	926

LEGISLATIVE BILL 831. By Warner

Jan.	19	Read first time	412
Jan.	25	Referred to Committee on Transportation	470
Feb.	2	Notice of hearing (2/14)	598
Feb.	24	Indefinitely postponed	883

LEGISLATIVE BILL 832. By Day

Jan.	19	Read first time	413
Jan.	25	Referred to Committee on Health and Human Services	470
Feb.	8	Notice of hearing (2/24)	664
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 833. By Cudaback, Schrock

Jan.	19	Read first time	413
Jan.	25	Referred to Committee on Revenue	470
Feb.	2	Notice of hearing (2/23)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 834. By Wesely

Jan.	19	Read first time	413
Jan.	25	Referred to Committee on Health and Human Services	470
Feb.	8	Notice of hearing (2/16)	664
Mar.	7	Indefinitely postponed	1011

LEGISLATIVE BILL 835. By Wesely

Jan.	19	Read first time	413
Jan.	25	Referred to Committee on Banking, Commerce and Insurance	471
Feb.	16	Notice of hearing (3/7)	775
Mar.	8	Indefinitely postponed	1024

LEGISLATIVE BILL 836. By Wesely

Jan.	19	Read first time	413
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	486
Feb.	16	Notice of hearing (3/7)	775
Mar.	9	Placed on General File - Com AM0860	1036

LEGISLATIVE BILL 837. By Wesely

Jan.	19	Read first time	413
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	486
Feb.	14	Notice of hearing (2/21)	737
Feb.	24	Placed on General File - Com AM0546	887
Mar.	7	Wesely priority bill	1014
Mar.	9	Committee AM0546 adopted. Advanced for Review	1033
Mar.	14	Placed on Select File - AM7059	1111
Mar.	22	Wesely AM1119 printed	1231
Mar.	29	Will-Brashear AM1361 to AM1119 printed	1405

Apr.	4	Lindsay AM1207 to AM1119 printed	1475
Apr.	5	Wesely AM1451 printed	1503
Apr.	5	Wesely AM1452 printed	1505
Apr.	12	AM7059 (E & R) adopted. Wesely pending AM1119 p. 1231, Will-Brashear pending AM1361 p. 1405, Lindsay pending AM1207 p. 1475, and Wesely pending AM1452 p. 1505 withdrawn. Wesely pending AM1451 p. 1503 adopted. Advanced for Engrossment	1632
Apr.	18	Correctly Engrossed	1678
Apr.	18	ER9048 change	1679
Apr.	27	Final Reading w/E 38-0-11	1872
Apr.	27	President signed	1880
Apr.	27	Presented to Governor (4/27)	1895
May	3	Approved by Governor (5/3)	1942

(Provisions/portions of LB 279 amended into LB 837 by AM1451)
(Provisions/portions of LB 838 amended into LB 837 by AM1451)
(Provisions/portions of LB 846 amended into LB 837 by AM0546)

LEGISLATIVE BILL 838. By Wesely

Jan.	19	Read first time	413
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	486
Feb.	16	Notice of hearing (3/6)	775
Mar.	22	Placed on General File - Com AM1127	1258

(Provisions/portions of LB 838 amended into LB 837 by AM1451)

LEGISLATIVE BILL 839. By Wesely

Jan.	19	Read first time	414
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (2/15)	663
Mar.	15	Placed on General File - Com AM0935	1131

LEGISLATIVE BILL 840. By Bohlke, Wickersham, Withem, at the request of the Governor

Jan.	19	Read first time	414
Jan.	26	Referred to Committee on Education	486
Jan.	31	Notice of hearing (3/7)	538
Mar.	10	Schrock priority bill	1057
Mar.	10	Placed on General File - Com AM0892 (printed separate)	1060
Mar.	14	Withem AM0967 to committee AM0892 printed	1105
Mar.	23	Committee AM0892 lost. Bohlke AM1064 adopted. Withem pending AM0967	

		p. 1105 withdrawn. Advanced for Review	1280
Mar.	24	Bernard-Stevens FA89 printed	1284
Mar.	27	Placed on Select File - AM7077 (printed separate)	1348
Apr.	4	Bohlke AM1383 to AM7077 printed	1477
Apr.	11	Bohlke AM1475 to AM7077 printed	1608
Apr.	27	AM7077 (E & R) adopted. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending FA89 p. 1284 withdrawn. Bernard-Stevens-Wickersham-Bohlke substitute AM1553 and Bohlke pending AM1475 p. 1608 adopted. Bohlke pending AM1383 p. 1477 withdrawn. Advanced for Engrossment	1898
May	3	Correctly Engrossed. ER9069 change	1948
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 47-1-1	2781
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 840A. By Bohlke

Mar.	30	Read first time. Placed on General File	1441
Apr.	21	Advanced for Review	1780
Apr.	21	Placed on Select File	1792
Apr.	27	Advanced for Engrossment	1899
May	3	Correctly Engrossed	1948
June	8	Withem motion to suspend rules to allow Final Reading without amendment or motion prevailed	2771
June	8	Final Reading w/E 47-1-1	2782
June	8	President signed	2785
June	8	Presented to Governor (6/8)	2792
June	14	Approved by Governor (6/13)	2801

LEGISLATIVE BILL 841. By Jones, Withem

Jan.	19	Read first time	414
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	486
Feb.	16	Notice of hearing (3/13)	775
Mar.	16	Indefinitely postponed	1165

LEGISLATIVE BILL 842. By Jones, Bernard-Stevens, Bohlke, Day, Dierks, Fisher, Kristensen, Maurstad, McKenzie, Pirsch, Robinson, Schmitt, Wesely

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (2/24)	664

LEGISLATIVE BILL 843. By Dierks, Crosby, Lindsay

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (3/2)	664

LEGISLATIVE BILL 844. By Hall

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Nebraska Retirement Systems	486
Jan.	31	Notice of hearing (2/7)	550
June	1	Wickersham name added	2700

LEGISLATIVE BILL 845. By Bohlke, Cudaback, Jones, McKenzie, Robak, Robinson

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Education	486
Jan.	31	Notice of hearing (3/7)	538
Mar.	22	Placed on General File - Com AM1078	1250

LEGISLATIVE BILL 846. By Wesely

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	486
Feb.	14	Notice of hearing (2/21)	737
Feb.	23	Indefinitely postponed	855

(Provisions/portions of LB 846 amended into LB 837 by AM0546)

LEGISLATIVE BILL 847. By Wickersham, at the request of the Governor

Jan.	19	Read first time	415
Jan.	26	Referred to Committee on Nebraska Retirement Systems	486
Jan.	31	Notice of hearing (2/7)	550
Mar.	10	Nebraska Retirement Systems Committee priority bill	1065
Mar.	16	Placed on General File - Com AM0867 (printed separate)	1166

LEGISLATIVE BILL 848. By Maurstad, Avery, Coordsen, Schrock

Jan.	19	Read first time	416
Jan.	26	Referred to Committee on Urban Affairs	486
Jan.	31	Notice of hearing (2/14)	539
Feb.	21	Indefinitely postponed	803

LEGISLATIVE BILL 849. By Bohlke, Day

Jan.	19	Read first time	416
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (2/23)	664

LEGISLATIVE BILL 850. By Jensen, Pirsch

Jan.	19	Read first time	416
Jan.	26	Referred to Committee on Judiciary	486
Feb.	15	Notice of hearing (2/22)	769
Feb.	24	Indefinitely postponed	877

LEGISLATIVE BILL 851. By Hall

Jan.	19	Read first time	416
Jan.	26	Referred to Committee on General Affairs	486
Jan.	26	Notice of hearing (2/13)	504
Mar.	8	Will name added	1026
Mar.	9	Hall priority bill	1038
Apr.	10	Hall motion to place on General File laid over	1598
Apr.	19	Placed on General File - Com AM1629 (printed separate)	1737
Apr.	24	Hall motion to indefinitely postpone prevailed	1800
Apr.	25	Will-Lindsay motion to reconsider motion to indefinitely postpone laid over	1827
May	3	Will-Lindsay pending motion p. 1827 withdrawn	1963

LEGISLATIVE BILL 852. By Bohlke, Crosby

Jan.	19	Read first time	416
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (3/10)	665

LEGISLATIVE BILL 853. By Schrock, Bromm, Elmer, Maurstad, Robinson, Schmitt

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Revenue	486

Feb.	2	Notice of hearing (2/23)	586
Mar.	14	Indefinitely postponed	1104

LEGISLATIVE BILL 854. By Beutler

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Natural Resources	486
Feb.	8	Notice of hearing (2/15)	663

(Provisions/portions of LB 854 amended into LB 296 by AM2597)

LEGISLATIVE BILL 855. By Elmer, Wehrbein

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Natural Resources	486
Feb.	28	Notice of hearing (3/16)	941

LEGISLATIVE BILL 856. By Hall

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Government, Military and Veterans Affairs	486
Feb.	8	Notice of hearing (2/23)	637
Feb.	28	Placed on General File	935
Mar.	30	Hall AM1379 printed	1445
Apr.	13	Hall pending AM1379 p. 1445 withdrawn. Advanced for Review	1665
Apr.	19	Placed on Select File	1732
May	3	Hall reoffered AM1379 p. 1445 adopted. Advanced for Engrossment	1936
May	4	Correctly Engrossed. ER9070 change	1979
May	17	Final Reading 26-9-14	2233
May	17	President signed	2250
May	17	Presented to Governor (5/17)	2251
May	22	Stuhr explanation of vote	2395
May	23	Approved by Governor (5/23)	2455

LEGISLATIVE BILL 857. By Cudaback

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Transportation	486
Jan.	27	Notice of hearing (2/6)	509
Feb.	7	Indefinitely postponed	634

LEGISLATIVE BILL 858. By Maurstad

Jan.	19	Read first time	417
Jan.	26	Referred to Committee on Health and Human Services	486
Feb.	8	Notice of hearing (3/9)	665

LEGISLATIVE BILL 859. By Bohlke, Bromm, Hall, Hudkins, Lindsay, Robinson

Jan.	19	Read first time	418
Jan.	23	Day name added	455
Jan.	26	Referred to Committee on Judiciary	486
Feb.	8	Notice of hearing (2/16)	665
Feb.	21	Placed on General File - Com AM0487	802
Mar.	7	Bohlke AM0766 printed	1005

LEGISLATIVE BILL 859A. By Bohlke

Mar.	28	Read first time. Placed on General File	1397

LEGISLATIVE BILL 860. By Robinson, Bohlke, Bromm, Crosby, Dierks, Hartnett, Hudkins, Janssen, Jones, McKenzie, Schmitt, Schrock

Jan.	19	Read first time	418
Jan.	26	Referred to Committee on General Affairs	486
Feb.	6	Notice of hearing (2/27)	625
Mar.	9	Placed on General File - Com AM0829	1028
Mar.	10	Robinson priority bill	1044
Mar.	23	Committee AM0829 adopted	1274
Mar.	23	Advanced for Review	1280
Mar.	24	Placed on Select File	1316
Apr.	12	Robinson AM1576 printed separate	1626
Apr.	27	Wickersham FA174 to AM1576 adopted. Wickersham AM1858 to AM1576 pending	1880
Apr.	27	Wickersham pending AM1858 p. 1881 lost. Beutler AM1859 to AM1576 adopted. Beutler AM1861 lost. Beutler FA175 to AM1576 pending	1890
Apr.	27	Beutler pending FA175 p. 1892 and FA176 lost. Beutler FA177 withdrawn. Robinson pending AM1576 p. 1626 adopted as amended. Advanced for Engrossment	1896
May	2	Witek AM1881 printed	1931
May	3	Correctly Engrossed	1948
May	3	ER9068 change	1949
May	4	Witek AM1998 printed	1988
May	22	Robak AM2334 printed	2396
May	22	Witek AM1925 printed	2428
June	1	Bromm motion to bracket until 1/5/96 lost	2729
June	1	Witek pending AM1881 p. 1931 and AM1998 p. 1988 withdrawn. Robak motion to to return to Select File for AM2334 p. 2396 lost. Witek pending AM1925	

		p. 2428 withdrawn. Beutler motions to return to Select File for AM2565, AM2566, and FA351 lost	2732
June	1	Failed on Final Reading w/E 31-16-2	2738
June	1	Final Reading 31-16-2	2739
June	1	Correctly Enrolled. President signed	2742
June	1	Presented to Governor (6/1)	2745
June	8	Approved by Governor (6/7)	2752

LEGISLATIVE BILL 860A. By Wehrbein

May	17	Read first time. Placed on General File	2283
May	30	Advanced for Review	2605
May	30	Placed on Select File	2608
May	30	Advanced for Engrossment	2610
May	30	Correctly Engrossed	2615
June	1	Failed on Final Reading w/E 31-13-5	2739
June	1	Final Reading 33-6-10	2740
June	1	Correctly Enrolled. President signed	2742
June	1	Presented to Governor (6/1)	2745
June	8	Approved by Governor (6/7)	2752

LEGISLATIVE BILL 861. By Avery, Hartnett

Jan.	19	Read first time	418
Jan.	26	Referred to Committee on Education	486
Jan.	31	Notice of hearing (3/6)	538
Mar.	21	Indefinitely postponed	1190

LEGISLATIVE BILL 862. By Avery

Jan.	19	Read first time	418
Jan.	26	Referred to Committee on Natural Resources	486
Jan.	26	Notice of hearing (2/2)	493
Feb.	8	Placed on General File	665
Mar.	16	Advanced for Review	1171
Mar.	21	Placed on Select File	1199
Mar.	30	Advanced for Engrossment	1430
Apr.	5	Correctly Engrossed	1479
Apr.	21	Final Reading 39-0-10	1768
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

LEGISLATIVE BILL 863. By Maurstad, Avery, Beutler, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Pedersen, Pirsch, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska, Warner

Jan.	19	Read first time	418
Jan.	26	Referred to Committee on Judiciary	487
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084
Mar.	14	Maurstad motion to place on General File laid over	1117
Mar.	22	Maurstad pending motion p. 1117 lost	1218

LEGISLATIVE BILL 864. By Hillman

Jan.	19	Read first time	418
Jan.	26	Referred to Committee on Urban Affairs	487
Feb.	7	Notice of hearing (3/7)	630
Mar.	9	Indefinitely postponed	1037

LEGISLATIVE BILL 865. By Lindsay

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Judiciary	487
Mar.	7	Notice of hearing (3/16)	1001

LEGISLATIVE BILL 866. By Lindsay

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Judiciary	487
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Placed on General File - Com AM0342	724

LEGISLATIVE BILL 867. By Lindsay

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Judiciary	487
Feb.	2	Notice of hearing (2/9)	597
Feb.	13	Placed on General File	723

LEGISLATIVE BILL 868. By Lindsay

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Judiciary	487
Feb.	8	Notice of hearing (2/15)	665
Feb.	21	Indefinitely postponed	802

LEGISLATIVE BILL 869. By Lindsay

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Judiciary	487
Mar.	7	Notice of hearing (3/16)	1001
Apr.	5	Placed on General File	1493

LEGISLATIVE BILL 870. By McKenzie, Beutler, Bohlke, Bromm, Coordsen, Cudaback, Day, Dierks, Elmer, Engel, Hall, Hartnett, Hudkins, Janssen, Jones, Robak, Robinson, Schrock, Vrtiska, Wickersham

Jan.	19	Read first time	419
Jan.	26	Referred to Committee on Appropriations	487
Jan.	31	Notice of hearing (2/21)	551

LEGISLATIVE BILL 871. By Elmer, Bernard-Stevens, Bohlke, Bromm, Coordsen, Cudaback, Dierks, Fisher, Hillman, Jones, Maurstad, McKenzie, Robak, Schellpeper, Schmitt, Schrock, Warner, Wickersham

Jan.	19	Read first time	420
Jan.	26	Referred to Committee on Natural Resources	487
Feb.	14	Notice of hearing (2/24)	747
Mar.	9	Elmer priority bill	1030
Mar.	24	Placed on General File - Com AM1200	1318
Apr.	6	Committee AM1200 adopted. Advanced for Review	1521
Apr.	10	Placed on Select File - AM7109	1588
Apr.	21	Elmer AM1748 printed	1789
Apr.	25	Beutler AM1789 printed	1817
May	4	Elmer-Bromm AM1967 printed	1980
May	4	Elmer-Bromm AM1997 printed	1997
May	9	Elmer-Bromm AM2051 printed	2050
May	10	AM7109 (E & R) adopted. Elmer pending AM1748 p. 1789, Beutler pending AM1789 p. 1817, Elmer-Bromm pending AM1967 p. 1980, AM1997 p. 1997, and AM2051 p. 2050 withdrawn. Beutler motion to indefinitely postpone laid over	2123
May	16	Beutler pending motion p. 2124 withdrawn. Elmer-Bromm AM2241 adopted. Advanced for Engrossment	2215
May	18	Correctly Engrossed	2333
May	18	ER9081 change	2334
June	1	Final Reading w/E 41-0-8	2703
June	1	Speaker signed	2717
June	1	Presented to Governor (6/1)	2726
June	1	Approved by Governor (6/1)	2744

(Provisions/portions of LB 88 amended into LB 871 by AM2241)
(Provisions/portions of LB 247 amended into LB 871 by AM1200)
(Provisions/portions of LB 553 amended into LB 871 by AM1200)
(Provisions/portions of LB 803 amended into LB 871 by AM1200)

LEGISLATIVE BILL 872. By Beutler

Jan.	19	Read first time	420
Jan.	26	Referred to Committee on Judiciary	487
Feb.	15	Notice of hearing (2/22)	769
Feb.	24	Placed on General File	877
Apr.	13	Advanced for Review	1663
Apr.	19	Placed on Select File	1710
Apr.	25	Advanced for Engrossment	1812
Apr.	26	Correctly Engrossed	1856
May	9	Final Reading 38-0-11	2042
May	9	President signed	2045
May	9	Presented to Governor (5/9)	2049
May	9	Witek explanation of vote	2078
May	10	Approved by Governor (5/10)	2109

LEGISLATIVE BILL 873. By Cudaback, Janssen, Robinson

Jan.	19	Read first time	420
Jan.	26	Referred to Committee on Revenue	487
Feb.	2	Notice of hearing (3/1)	584
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 874. By Withem

Jan.	19	Read first time	420
Jan.	26	Referred to Committee on General Affairs	487
Feb.	6	Notice of hearing (3/6)	625
Mar.	9	Placed on General File - Com AM0828	1029
Mar.	15	Speaker priority bill	1124
Mar.	30	Committee AM0828 adopted as amended by Janssen AM1162. Advanced for Review	1433
Apr.	6	Placed on Select File - AM7082	1512
Apr.	7	AM7082 (E & R) adopted. Advanced for Engrossment	1560
Apr.	10	Correctly Engrossed. ER9044 change	1593
Apr.	21	Final Reading 38-2-9	1779
Apr.	21	Speaker signed	1781
Apr.	21	Presented to Governor (4/21)	1787
Apr.	26	Approved by Governor (4/26)	1855

(Provisions/portions of LB 586 amended into LB 874 by AM1162)

LEGISLATIVE BILL 875. By Withem

Jan.	19	Read first time	420
Jan.	26	Referred to Committee on Judiciary	487
Feb.	8	Notice of hearing (2/15)	665
Mar.	6	Indefinitely postponed	993

LEGISLATIVE BILL 876. By Lindsay

Jan.	19	Read first time	421
Jan.	26	Referred to Committee on Natural Resources	487
Feb.	2	Notice of hearing (2/10)	586

LEGISLATIVE BILL 877. By Lindsay

Jan.	19	Read first time	421
Jan.	26	Referred to Committee on Judiciary	487
Mar.	7	Notice of hearing (3/15)	1001
Mar.	16	Placed on General File	1170

LEGISLATIVE BILL 878. By Lindsay

Jan.	19	Read first time	421
Jan.	26	Referred to Committee on Judiciary	487
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Placed on General File	1084

LEGISLATIVE BILL 879. By Lindsay

Jan.	19	Read first time	428
Jan.	26	Referred to Committee on Judiciary	487
Feb.	8	Notice of hearing (2/16)	665
Feb.	21	Placed on General File - Com AM0485	802

LEGISLATIVE BILL 880. By Lindsay

Jan.	19	Read first time	428
Jan.	26	Referred to Committee on Judiciary	487
Feb.	15	Notice of hearing (2/22)	768
Feb.	24	Placed on General File	877

LEGISLATIVE BILL 881. By Lindsay

Jan.	19	Read first time	428
Jan.	26	Referred to Committee on Judiciary	487
Feb.	15	Notice of hearing (2/22)	768
Mar.	14	Lindsay priority bill	1116

LEGISLATIVE BILL 882. By Fisher, Lindsay

Jan.	19	Read first time	429
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	487
Feb.	16	Notice of hearing (2/27)	775
Mar.	16	Placed on General File - Com AM0916	1164
Mar.	29	Landis AM1320 to committee AM0916 printed	1401

(Provisions/portions of LB 882 amended into LB 384 by AM1357)

LEGISLATIVE BILL 883. By Lindsay

Jan.	19	Read first time	429
Jan.	26	Referred to Committee on Judiciary	487
Mar.	1	Notice of hearing (3/9)	949
Mar.	13	Indefinitely postponed	1084

LEGISLATIVE BILL 884. By Lindsay

Jan.	19	Read first time	429
Jan.	26	Referred to Committee on Judiciary	487
Mar.	1	Notice of hearing (3/10)	949
Mar.	15	Placed on General File - Com AM0940	1148

LEGISLATIVE BILL 885. By Day, at the request of the Governor

Jan.	31	Read first time	544
Feb.	1	Referred to Committee on Business and Labor	556
Feb.	2	Notice of hearing (2/13)	583
Mar.	16	Placed on General File - Com AM0592	1169

LEGISLATIVE BILL 886. By Hall, at the request of the Governor

Feb.	1	Read first time	562
Feb.	2	Referred to Committee on Legislative Program Evaluation	585
Feb.	7	Notice of hearing (2/22)	634
Feb.	21	Legislative Program Evaluation Committee priority bill	795
Apr.	19	Placed on General File - Com AM1606 (printed separate)	1730
May	23	Chambers AM2429 (on file) to committee AM1606 pending	2437
June	1	Warner name added	2700

LEGISLATIVE BILL 887. By Business and Labor Committee

Feb.	28	Abboud motion to introduce bill (Req. #1272) laid over	941
Mar.	1	Abboud pending motion p. 941 prevailed	944
Mar.	1	Read first time	945
Mar.	2	Referred to Committee on Business and Labor. Notice of hearing (3/13)	955
Mar.	14	Placed on General File - Com AM0982	1118
Mar.	15	Committee AM0982 adopted. Advanced for Review	1130
Mar.	16	Placed on Select File - AM7064	1164
Mar.	30	Abboud AM1095 printed	1422
Apr.	24	AM7064 (E & R) adopted. Abboud AM1094 and pending AM1095 p. 1422 adopted.	

		Advanced for Engrossment	1794
Apr.	25	Correctly Engrossed. ER9055 change	1829
May	25	Final Reading w/E 42-0-7	2574
May	25	President signed	2575
May	25	Presented to Governor (5/25)	2587
May	31	Approved by Governor (5/31)	2682

LEGISLATIVE BILL 888. By Business and Labor Committee

Feb.	28	Abboud motion to introduce bill (Req. #1273) laid over	941
Mar.	1	Abboud pending motion p. 941 prevailed	944
Mar.	1	Read first time	945
Mar.	2	Referred to Committee on Business and Labor. Notice of hearing (3/13)	955
Mar.	14	Indefinitely postponed	1115

LEGISLATIVE BILL 889. By Wehrbein, at the request of the Governor

Apr.	13	Read first time	1657
Apr.	13	Wehrbein motion to suspend rules to place on General File laid over	1669
Apr.	18	Correction	1671
Apr.	18	Wehrbein pending motion p. 1669 prevailed. Placed on General File	1677
Apr.	20	Chambers FA160 lost. Advanced for Review	1740
Apr.	20	Placed on Select File - AM7122	1758
Apr.	25	AM7122 (E & R) adopted. Chambers motion to indefinitely postpone lost. Advanced for Engrossment	1827
Apr.	26	Correctly Engrossed. ER9061 change	1856
May	4	Chambers motion to return to Select File for FA190 withdrawn. Final Reading w/E 39-0-10	1973
May	4	President signed	1976
May	4	Presented to Governor (5/4)	1978
May	4	Approved by Governor (5/4)	1995

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

LEGISLATIVE RESOLUTION 1CA. By Landis

Jan.	5	Read first time. Referred to Reference Committee	120
Jan.	9	Referred to Committee on Judiciary	165
Jan.	12	Notice of hearing (1/19)	280
Jan.	23	Placed on General File	453
Jan.	24	Advanced for Review	459
Jan.	25	Placed on Select File	482
Jan.	27	Withem AM0084 printed	512
Jan.	30	Withem pending AM0084 p. 512 adopted. Advanced for Engrossment	525
Jan.	31	Correctly Engrossed	536
Feb.	9	Final Reading 41-3-5	690
Feb.	10	Speaker signed	703
Feb.	10	Presented to Secretary of State (2/10)	709

LEGISLATIVE RESOLUTION 3CA. By Kristensen

Jan.	5	Read first time	125
Jan.	5	Referred to Reference Committee	126
Jan.	9	Hartnett name added	198
Jan.	10	Referred to Committee on Revenue	202
Jan.	12	Notice of hearing (1/20)	281
Jan.	31	Placed on General File - Com AM0147	543
Feb.	1	Committee AM0147 adopted. Advanced for Review	556
Feb.	2	Placed on Select File	575
Feb.	6	Advanced for Engrossment	619
Feb.	8	Correctly Engrossed	662
Mar.	2	Kristensen AM0682 printed	961
Apr.	7	Returned to Select File for Kristensen amendment. Kristensen pending AM0682 p. 961 adopted. Advanced for Reengrossment	1541
Apr.	10	Correctly Reengrossed	1588
May	31	Kristensen motion to return to Select File for FA350 withdrawn	2687
May	31	Failed on Final Reading (for primary	

		election) 37-6-6	2688
May	31	Final Reading (for general election) 37-6-6	2689
May	31	Speaker signed. Withem motion to reconsider action on Final Reading (primary election) laid over	2693
June	1	Pirsch explanation of vote	2724
June	1	Withem pending motion p. 2693 to reconsider action prevailed. Final Reading (primary election) 42-5-2	2741
June	1	President signed	2742
June	1	Presented to Secretary of State (6/1)	2745
June	8	Message from Secretary of State	2755

LEGISLATIVE RESOLUTION 4CA. By Kristensen

Jan.	5	Read first time	126
Jan.	5	Referred to Reference Committee	127
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	202
Jan.	11	Notice of hearing (1/19)	246
Jan.	23	Placed on General File	452
Jan.	24	Advanced for Review	458
Jan.	25	Placed on Select File	482
Jan.	27	Advanced for Engrossment	508
Jan.	27	Withem AM0083 printed	512
Jan.	30	Correctly Engrossed	523
Feb.	9	Returned to Select File for Withem amendment. Withem pending AM0083 p. 512 adopted. Advanced for Reengrossment	686
Feb.	10	Correctly Reengrossed	713
Mar.	10	Kristensen motion to return to Select File for FA77 withdrawn. Failed on Final Reading (for primary election) 38-3-8	1051
Mar.	10	Final Reading (for general election) 36-3-10	1053
Mar.	10	Avery-McKenzie motion to reconsider Final Reading vote for primary election laid over. Correctly Enrolled	1066
Mar.	13	Avery-McKenzie pending motion p. 1066 prevailed	1073
Mar.	13	Final Reading (for primary election) 40-5-4	1074
Mar.	14	Correctly Reenrolled	1088
Mar.	14	President signed	1097
Mar.	14	Presented to Secretary of State (3/14)	1109
June	8	Correction	2749

LEGISLATIVE RESOLUTION 6CA. By Dierks, Jones, Pirsch, Schmitt, Schrock, Witek

Jan. 6	Read first time	142
Jan. 6	Referred to Reference Committee	144
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	202
Jan. 25	Notice of hearing (2/1)	471
Feb. 22	Placed on General File - Com AM0475	821
Mar. 1	Schmitt priority resolution	951
Mar. 6	Committee AM0475 adopted. Schimek AM0811 adopted. Bohlke FA74 pending	980
Mar. 8	Bohlke pending FA74 p. 981 passed over. Advanced for Review	1019
Mar. 9	Placed on Select File - AM7052	1039
Mar. 22	Beutler AM1146 printed	1253
Mar. 27	AM7052 (E & R) adopted. Bohlke request to substitute amendment prevailed. Bohlke pending FA74 p. 981 withdrawn. Bohlke substitute AM0812 lost. Dierks request to substitute amendment prevailed. Dierks AM1099 withdrawn. Beutler substitute AM0956 lost. Pending	1360
Mar. 27	Wesely AM1269 printed	1372
Mar. 28	Dierks reoffered AM1099 p. 1361, Beutler pending AM1146 p. 1253, and Bernard-Stevens FA97 withdrawn. Wesely pending AM1269 p. 1372 and Hall AM1308 lost. Dierks AM1292 pending	1376
Mar. 28	Withem AM1309 printed	1385
Mar. 28	Withem AM1311 printed	1396
Apr. 4	Bernard-Stevens point of order. Ruling by Chair on Dierks AM1292. Dierks pending AM1292 p. 1378, Withem pending AM1309 p. 1385, and Withem pending AM1311 p. 1396 withdrawn. Beutler AM1411 lost. Withem reoffered AM1311 p. 1396 adopted. Advanced for Engrossment	1455
Apr. 7	Correctly Engrossed	1537
Apr. 19	Attorney General's Opinion #95031 to Dierks	1711
Apr. 25	Withem AM1798 (1), AM1797 (2), AM1799 (3), and AM1802 (4) printed	1819
Apr. 25	Withem AM1805 (5), AM1806 (6), AM1800 (7), AM1803 (8), AM1807 (9), AM1804 (10), AM1811 (11), and AM1801 (12) printed	1820
Apr. 26	Withem AM1818 printed	1846

(Provisions/portions of LR 22CA amended into LR 6CA by AM0475)

LEGISLATIVE RESOLUTION 7. By Jones, Avery, Beutler, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins,

Janssen, Jensen, Kristensen, Lindsay, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska, Wehrbein, Wickersham, Witek

Jan.	6	Read first time	144
Jan.	6	Referred to Reference Committee	145
Jan.	6	Stuhr name added	162
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	202
Jan.	31	Notice of hearing (2/8)	539
Feb.	10	Reported to Legislature for further consideration	709

LEGISLATIVE RESOLUTION 9CA. By Will, at the request of the Governor

Jan.	6	Read first time	157
Jan.	6	Referred to Reference Committee	158
Jan.	11	Referred to Committee on Judiciary	233
Jan.	12	Notice of hearing (1/19)	280
Jan.	23	Indefinitely postponed	454

LEGISLATIVE RESOLUTION 10CA. By Witek

Jan.	6	Read first time. Referred to Reference Committee	158
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	233
Feb.	22	Notice of hearing (3/1)	830
Mar.	16	Placed on General File	1154

LEGISLATIVE RESOLUTION 11CA. By Witek

Jan.	6	Read first time	158
Jan.	6	Referred to Reference Committee	159
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	233
Feb.	22	Notice of hearing (3/1)	830
Mar.	16	Indefinitely postponed	1154

LEGISLATIVE RESOLUTION 12CA. By Schmitt

Jan.	9	Read first time	173
Jan.	9	Referred to Reference Committee	177
Jan.	12	Referred to Committee on Judiciary. Schmitt motion to withdraw resolution laid over	258
Jan.	20	Schmitt pending motion p. 258 prevailed. Withdrawn	437

LEGISLATIVE RESOLUTION 14CA. By Day

Jan.	9	Read first time	179
Jan.	9	Referred to Reference Committee	180
Jan.	12	Referred to Committee on Revenue	258
Jan.	12	Notice of hearing (1/20)	281
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE RESOLUTION 16. By Kristensen, Withem

Jan.	10	Read first time	206
Jan.	10	Referred to Reference Committee	209
Jan.	12	Referred to Committee on Executive Board	273
Jan.	31	Notice of hearing (2/7)	540
Feb.	14	Reported to Legislature for further consideration with com AM0175	739
Feb.	27	Hall AM0668 to committee amendment printed	926
Mar.	1	Hall pending AM0668 p. 926 to committee amendment adopted. Witek AM0700 to committee amendment pending	947
Mar.	1	Witek request to substitute amendment -- Kristensen objected. Witek pending AM0700 p. 947 withdrawn. Kristensen AM0723 to committee amendment pending	949
Mar.	1	Witek AM0732 to committee amendment printed	950
Mar.	1	Abboud name added	951
Mar.	2	Chambers AM0753 to committee amendment printed	966
Mar.	7	Kristensen pending AM0723 p. 949 to committee amendment adopted. Witek pending AM0732 p. 950 and Chambers pending AM0753 p. 966 lost. Pending	997
Mar.	7	Committee AM0175 adopted as amended by Beutler AM0836 and Kristensen AM0835	1005
Mar.	22	Witek AM1128 as amended by Chambers FA84 pending	1243
Mar.	22	Witek pending AM1128 p. 1243 and Witek AM1129 lost	1250
Mar.	22	Withem AM1154 adopted. Chambers FA85 lost. Withem FA86 withdrawn. Chambers motion to indefinitely postpone lost. Chambers requested majority of elected members be required for adoption of LR. Resolution adopted 29-7-13	1260
Mar.	23	Correctly Enrolled	1277
Mar.	24	Speaker signed	1312

LEGISLATIVE RESOLUTION 17CA. By Lindsay

Jan.	10	Read first time	208
Jan.	10	Referred to Reference Committee	209
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	273
Jan.	17	Schimek and Schrock names added	314
Jan.	25	Notice of hearing (2/2)	471
Feb.	14	Placed on General File - Com AM0265	732
Mar.	1	Schimek AM0622 to committee amendment printed	951
Mar.	13	Government, Military and Veterans Affairs Committee priority resolution	1073

LEGISLATIVE RESOLUTION 18CA. By Hall

Jan.	10	Read first time	213
Jan.	10	Referred to Reference Committee	214
Jan.	12	Referred to Committee on Judiciary	273
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE RESOLUTION 19CA. By Witek

Jan.	10	Read first time. Referred to Reference Committee	214
Jan.	12	Referred to Committee on Judiciary	274
Feb.	22	Notice of hearing (3/2)	831
Mar.	6	Indefinitely postponed	993

LEGISLATIVE RESOLUTION 20CA. By Pirsch, Beutler, Hudkins

Jan.	10	Read first time	214
Jan.	10	Referred to Reference Committee	215
Jan.	12	Referred to Committee on Judiciary	274
Feb.	16	Notice of hearing (2/23)	784
Mar.	6	Indefinitely postponed	993

LEGISLATIVE RESOLUTION 21CA. By Pirsch, Abboud, Avery, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Hillman, Hudkins, Janssen, Jensen, Jones, Maurstad, McKenzie, Pedersen, Robak, Robinson, Schellpeper, Schmitt, Stuhr, Wehrbein, Witek

Jan.	10	Read first time	215
Jan.	10	Referred to Reference Committee	216
Jan.	12	Referred to Committee on Judiciary	274
Jan.	12	Notice of hearing (1/19)	280
Jan.	19	Pedersen name added	430
Jan.	23	Placed on General File	453
Jan.	24	Advanced for Review	460
Jan.	25	Placed on Select File	482

Jan.	27	Advanced for Engrossment	508
Jan.	27	Withem AM0085 printed	512
Jan.	30	Correctly Engrossed	523
Feb.	9	Returned to Select File for Withem amendment. Withem pending AM0085 p. 512 adopted. Advanced for Reengrossment	686
Feb.	10	Correctly Reengrossed	713
Mar.	10	Failed on Final Reading (for primary election) 38-1-10	1053
Mar.	10	Final Reading (for general election) 37-1-11	1055
Mar.	10	Avery-McKenzie motion to reconsider Final Reading vote for primary election laid over. Correctly Enrolled	1066
Mar.	13	Avery-McKenzie pending motion p. 1066 prevailed	1074
Mar.	13	Final Reading (for primary election) 43-1-5	1075
Mar.	14	Correctly Reenrolled	1088
Mar.	14	President signed	1097
Mar.	14	Presented to Secretary of State (3/14)	1109
June	8	Correction	2749

LEGISLATIVE RESOLUTION 22CA. By Schimek, Kristensen, Landis, Warner

Jan.	10	Read first time	226
Jan.	10	Referred to Reference Committee	228
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	274
Jan.	25	Notice of hearing (2/1)	471
Jan.	26	Attorney General's Opinion #95005 to Dierks	493
Feb.	22	Indefinitely postponed	826

(Provisions/portions of LR 22CA amended into LR 6CA by AM0475)

LEGISLATIVE RESOLUTION 23CA. By Schimek

Jan.	10	Read first time	228
Jan.	10	Referred to Reference Committee	229
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs	274
Jan.	25	Notice of hearing (2/1)	471
Feb.	13	Indefinitely postponed	723

LEGISLATIVE RESOLUTION 24CA. By General Affairs Committee

Jan.	11	Read first time	243
Jan.	11	Referred to Reference Committee	244

Jan.	17	Referred to Committee on General Affairs	317
Jan.	17	Schellpeper motion to suspend rules and allow hearing prevailed	319
Jan.	17	Notice of hearing (1/23)	324
Jan.	24	Placed on General File - Com AM0043	464
Jan.	26	Committee AM0043 adopted. Advanced for Review	487
Jan.	27	Withem AM0082 printed	512
Jan.	27	Placed on Select File	518
Jan.	30	Advanced for Engrossment	525
Jan.	31	Correctly Engrossed	536
Mar.	24	Withem pending AM0082 p. 512 withdrawn. Final Reading 31-6-12	1297
Mar.	24	Speaker signed	1311
Mar.	24	Presented to Secretary of State (3/24)	1312
Mar.	27	Witek explanation of vote	1337

LEGISLATIVE RESOLUTION 25CA. By Coordsen

Jan.	11	Read first time	244
Jan.	11	Referred to Reference Committee	245
Jan.	17	Referred to Committee on Appropriations	317
Feb.	1	Notice of hearing (3/10)	561

LEGISLATIVE RESOLUTION 26. By Bernard-Stevens

Jan.	11	Read first time. Referred to Reference Committee	245
Jan.	17	Referred to Committee on Executive Board	317
Jan.	18	Robinson motion to rerefer to Government, Military and Veterans Affairs Committee laid over	367
Feb.	22	Bernard-Stevens priority resolution	817
Mar.	14	Notice of hearing (3/21)	1109

LEGISLATIVE RESOLUTION 27CA. By Chambers

Jan.	17	Read first time	290
Jan.	17	Referred to Reference Committee	291
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	369
Jan.	20	Rereferred to Committee on Executive Board	443
Jan.	24	Notice of hearing (1/31)	466
Feb.	1	Placed on General File	556
Mar.	10	Advanced for Review	1059
Mar.	15	Placed on Select File	1122
Mar.	21	Chambers AM0938 printed	1191

LEGISLATIVE RESOLUTION 28. By Withem, Day, Lindsay, Matzke, Wesely

Jan.	17	Read first time	291
Jan.	17	Laid over	292
Jan.	17	Referred to Reference Committee	305
Jan.	19	Referred to Committee on Health and Human Services	369
Feb.	8	Notice of hearing (2/23)	664
Mar.	7	Reported to Legislature for further consideration with committee AM0791	1010
June	8	Committee AM0791 adopted. Adopted with 33-0-16	2792
June	8	Correctly Enrolled	2793
June	8	Enrolled resolution printed	2794

LEGISLATIVE RESOLUTION 29CA. By Bohlke, Withem, at the request of the Governor

Jan.	17	Read first time	292
Jan.	17	Referred to Reference Committee	294
Jan.	19	Referred to Committee on Education	370
Jan.	30	Notice of hearing (2/7)	523

LEGISLATIVE RESOLUTION 30CA. By Hartnett, Warner

Jan.	17	Read first time	306
Jan.	17	Referred to Reference Committee	308
Jan.	20	Referred to Committee on Revenue	434
Feb.	2	Notice of hearing (3/2)	584
Mar.	22	Placed on General File	1231
Mar.	28	Will AM1300 printed	1396

LEGISLATIVE RESOLUTION 31CA. By Schrock, Avery, Bromm, Coordsen, Cudaback, Dierks, Elmer, Hudkins, Jones, Robinson, Schellpeper, Schmitt, Vrtiska, Wehrbein

Jan.	17	Read first time. Referred to Reference Committee	308
Jan.	20	Referred to Committee on Revenue	434
Feb.	2	Notice of hearing (2/24)	586
May	11	Indefinitely postponed	2137

LEGISLATIVE RESOLUTION 33CA. By Robinson, Brown, Crosby, Engel, Fisher, Lynch, Schimek

Jan.	17	Read first time. Referred to Reference Committee	321
Jan.	19	Attorney General's Opinion #95004 to Robinson	372
Jan.	20	Referred to Committee on Education	434
Jan.	30	Notice of hearing (2/7)	523

Feb.	9	Placed on General File - Com AM0303	698
Mar.	15	Speaker priority resolution	1124

LEGISLATIVE RESOLUTION 34CA. By Beutler

Jan.	18	Read first time	358
Jan.	18	Referred to Reference Committee	361
Jan.	20	Referred to Committee on Judiciary	443
Mar.	7	Notice of hearing (3/15)	1001
Mar.	16	Placed on General File	1170

LEGISLATIVE RESOLUTION 35. By Coordsen

Jan.	18	Read first time. Laid over	361
Jan.	18	Referred to Reference Committee	367
Jan.	20	Referred to Committee on Natural Resources	443
Feb.	1	Notice of hearing (2/8)	562
Mar.	9	Indefinitely postponed	1036

LEGISLATIVE RESOLUTION 36CA. By Beutler

Jan.	18	Read first time	361
Jan.	18	Referred to Reference Committee	362
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	443
Feb.	22	Notice of hearing (3/2)	831
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE RESOLUTION 37CA. By Beutler

Jan.	18	Read first time	362
Jan.	18	Referred to Reference Committee	364
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	443
Feb.	22	Notice of hearing (3/2)	831
Mar.	15	Indefinitely postponed	1131

LEGISLATIVE RESOLUTION 38CA. By Wesely, Coordsen

Jan.	18	Read first time	364
Jan.	18	Referred to Reference Committee	365
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	443
Jan.	25	Notice of hearing (2/2)	471
Feb.	14	Indefinitely postponed	733

LEGISLATIVE RESOLUTION 39CA. By Maurstad

Jan.	19	Read first time	388
Jan.	19	Referred to Reference Committee	389
Jan.	25	Referred to Committee on Revenue	471
Feb.	1	Notice of hearing (2/8)	569
Mar.	15	Indefinitely postponed	1124

LEGISLATIVE RESOLUTION 40CA. By Hillman, Elmer, Jones

Jan.	19	Read first time	389
Jan.	19	Referred to Reference Committee	392
Jan.	25	Referred to Committee on Agriculture	471
Feb.	2	Notice of hearing (2/28)	584
Feb.	27	Hillman priority resolution	926
Mar.	2	Indefinitely postponed	967
Mar.	8	Hillman motion to place on General File laid over	1024
Mar.	9	Hillman pending motion p. 1024 withdrawn	1031

LEGISLATIVE RESOLUTION 41CA. By Brown

Jan.	19	Read first time	401
Jan.	19	Referred to Reference Committee	402
Jan.	25	Referred to Committee on Transportation	471
Feb.	14	Notice of hearing (3/13)	745
Mar.	22	Placed on General File	1243

LEGISLATIVE RESOLUTION 42CA. By Bromm

Jan.	19	Read first time	421
Jan.	19	Referred to Reference Committee	422
Jan.	25	Referred to Committee on Revenue	471
Feb.	2	Notice of hearing (3/2)	584

LEGISLATIVE RESOLUTION 43CA. By Schellpeper, Bernard-Stevens, Hall, Hartnett, Pedersen, Robak

Jan.	19	Read first time	422
Jan.	19	Referred to Reference Committee	423
Jan.	25	Referred to Committee on General Affairs	471
Feb.	6	Notice of hearing (3/13)	626
May	24	Placed on General File - Com AM2406	2531

LEGISLATIVE RESOLUTION 44CA. By Lynch, Hartnett

Jan.	19	Read first time	423
Jan.	19	Referred to Reference Committee	424
Jan.	25	Referred to Committee on Education	471

Jan. 31	Notice of hearing (3/7)	538
Mar. 22	Indefinitely postponed	1216

LEGISLATIVE RESOLUTION 45CA. By Will

Jan. 19	Read first time	424
Jan. 19	Referred to Reference Committee	425
Jan. 25	Referred to Committee on General Affairs	471
Feb. 6	Notice of hearing (3/13)	626

LEGISLATIVE RESOLUTION 46CA. By Hillman, Crosby, Engel, Hall, Lynch, Maurstad

Jan. 19	Read first time	425
Jan. 19	Referred to Reference Committee	426
Jan. 25	Referred to Committee on Government, Military and Veterans Affairs	471
Feb. 8	Notice of hearing (2/23)	637
Feb. 24	Lynch name withdrawn	890
Mar. 29	Placed on General File - Com AM0016	1401

LEGISLATIVE RESOLUTION 47CA. By Hall, at the request of the Governor

Jan. 19	Read first time	426
Jan. 19	Referred to Reference Committee	428
Jan. 25	Referred to Committee on Education	471
Jan. 30	Notice of hearing (2/14)	523
June 1	Will name added	2700

LEGISLATIVE RESOLUTION 48. By Wehrbein, Hillman, Wickersham, Schimek, Crosby, Engel

Jan. 23	Read first time. Laid over	449
Jan. 23	Referred to Reference Committee	450
Jan. 25	Referred to Committee on Education	471
Jan. 30	Notice of hearing (2/6)	523
Feb. 7	Reported to Legislature for further consideration	627
Feb. 13	Brashear FA35 lost. Adopted with 29-7-13	715
Feb. 14	President signed	734

LEGISLATIVE RESOLUTION 49. By Beutler

Jan. 25	Read first time. Laid over	483
Jan. 26	Referred to Reference Committee	486
Jan. 26	Referred to Committee on Natural Resources	487
Feb. 2	Notice of hearing (2/9)	586
Feb. 10	Reported to Legislature for further consideration	712

Mar.	7	Adopted with 27-0-22	997
Mar.	8	Speaker signed	1020

LEGISLATIVE RESOLUTION 51. By Wickersham, Bohlke, Schrock

Jan.	27	Read first time. Laid over	519
Jan.	27	Referred to Reference Committee	520
Feb.	1	Referred to Committee on Transportation	556
Feb.	14	Notice of hearing (3/13)	745
Mar.	21	Indefinitely postponed	1204

LEGISLATIVE RESOLUTION 52. By Crosby, Wesely, Warner, Beutler, Hudkins

Jan.	30	Read first time. Laid over	533
Jan.	31	Referred to Reference Committee	552
Jan.	31	Maurstad name added	553
Feb.	1	Referred to Committee on Judiciary	556
Mar.	7	Notice of hearing (3/16)	1002
May	4	Reported to Legislature for further consideration	1996
June	8	Chambers FA354 (1) printed	2768
June	8	Chambers FA355 (2), FA356 (3), FA357 (4), FA358 (5), FA359 (6), FA360 (7), and FA 361 (8) printed	2769
June	8	Chambers FA362 (9), FA363 (10), FA364 (11), FA365 (12), and FA366 (13) printed	2770
June	8	Passed over	2791

LEGISLATIVE RESOLUTION 81. By Wehrbein, Vrtiska, Coordsen, Wesely, Elmer, Dierks

Mar.	24	Read first time. Laid over	1313
Mar.	30	Hudkins name added	1447
Apr.	4	Bernard-Stevens motion to refer to committee pending. Referred to Reference Committee	1453
Apr.	4	Referred to Committee on Government, Military and Veterans Affairs	1472
Apr.	24	Notice of hearing (5/4)	1799
May	8	Reported to Legislature for further consideration with AM2019	2016
June	8	Committee AM2019 adopted as amended by Wehrbein AM2598. Adopted with 25-0-24	2791
June	8	Correctly Enrolled. Enrolled resolution printed	2793

LEGISLATIVE RESOLUTION 90. By Bernard-Stevens

Apr.	6	Read first time. Laid over	1535
Apr.	6	Referred to Reference Committee	1536
Apr.	10	Referred to Committee on Banking, Commerce and Insurance	1592
Apr.	13	Notice of hearing (4/25)	1657

LEGISLATIVE RESOLUTION 93CA. By Revenue Committee

Apr.	6	Warner motion to introduce Req. CA0059 laid over	1535
Apr.	12	Warner pending motion p. 1535 prevailed	1626
Apr.	12	Read first time. Referred to Reference Committee	1627
Apr.	12	Referred to Committee on Revenue. Notice of hearing (5/1)	1637
Apr.	13	Notice of hearing (time change)	1668
June	1	Attorney General's Opinion #95045 to Lynch	2696

LEGISLATIVE RESOLUTION 97. By Hall

Apr.	20	Read first time. Laid over	1748
Apr.	21	Referred to Reference Committee	1787
May	24	Referred to Committee on Government, Military and Veterans Affairs	2506

INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

CHRIS ABBOUD

LB	
158*	Change provisions relating to limitations on proceedings against trustees.
178*	Adopt the Interstate Insurance Receivership Compact.
178A	Appropriation Bill.
220*	Provide liability provisions for accountants.
239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
293*	Eliminate the Thoroughbred Racing Assistance Fund.
334	Change the employer's contribution rate for employment security.
340*	Provide for litter removal programs administered by the Game and Parks Commission.
365*	Provide for special master proceedings in certain labor disputes.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
408	Authorize appointment of nonresidents as notary publics.
559***	Change calculations related to a sales factor for income tax purposes.
645*	Create the Sex Offender Registration Act.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
759	Change provisions for educational institutions and disqualification for employment security benefits.
782*	Change provisions relating to rate filing notices under the Municipal Natural Gas Regulation Act.
783*	Change provisions relating to the rate filing hearing under the Municipal Natural Gas Regulation Act.
801*	Change income amounts relating to homestead exemptions.

802*	Change provisions relating to early childhood education pilot projects.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
LR	
16*	Appoint delegates to the Conference of States to consider the system of checks and balances between states and national government.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

MICHAEL AVERY

LB	
81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
114*	Provide for lifetime habitat stamps and lifetime trout stamps.
120*	State intent relating to energy resources and provide duties for public power utilities.
144***	Adopt the Partnerships for Economic Development Act.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
285*	Change provisions relating to county attorneys.
286*	Change voter approval provisions for capital construction projects.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
305*	Require visitation and consultation by a guardian ad litem.
338*	Provide for aquatic management areas and habitats and for aquatic habitat stamps.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
459*	Change and eliminate provisions for snowmobile registration periods, number plates, and equipment regulation.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
476*	Change provisions for membership on the planning commission of cities and villages.

477*	Change provisions for releases of mortgages and reconveyances for trust deeds.
482*	Change provisions for publication and distribution of proposed constitutional amendments.
483*	Change provisions relating to a homestead exemption.
484*	Change reimbursement provisions relating to petroleum release remedial actions.
500*	Provide for appointed members for educational service units and eliminate elections for membership.
520*	Increase the number of district court judges.
521	Change provisions for vesting in the state employee's retirement system.
525*	Change the membership of the Nebraska Retirement Systems Committee.
576*	Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
643*	Change provisions relating to school, learner's, and farm permits.
644*	Provide for access to county health insurance benefits for county sheriffs after retirement.
682*	Provide for a budget lid for educational service units.
690*	Change provisions for responsibility for certain costs for commitment of persons by mental health boards.
696*	Provide for message license plates for farm trucks.
709*	Authorize employees of first class cities membership in the County Employees Retirement System.
733*	Eliminate a deadline for opting out of an educational service unit.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
755*	Change provisions for appeals in capital punishment cases.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
848*	Adopt the Private Natural Gas Company Act.
861*	Require full-time guidance counselors in certain school districts.
862	Change the age limitations on permits to kill deer, antelope, and elk.
863*	Change provisions relating to liability for vehicular pursuit.

LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.

DAVID BERNARD-STEVENS

LB	
112*	Change provisions relating to rural highway signs.
116	Credit a portion of the marriage license fee to the Domestic Violence and Sexual Assault Prevention Cash Fund.
144***	Adopt the Partnerships for Economic Development Act.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
165*	Change provisions for the disclosure of certain information for children who are in the custody of the state or under court supervision.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
171	Authorize additional contracts by school districts for nonteaching services.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
338*	Provide for aquatic management areas and habitats and for aquatic habitat stamps.
510*	Change provisions for temporary custody and detention or placement of juveniles.
524	Change provisions for assignment of court-ordered support payments.
524A	Appropriation Bill.
560	Change a provision relating to attorney's fees and insurance.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
578*	Change provisions relating to review of foster care placements.
651	Provide for state aid for capital improvements for schools.
652	Prohibit the assessment of costs for court actions to the county by the state.

670*	Change provisions relating to allocated income tax under the Tax Equity and Educational Opportunities Support Act.
695	Change provisions relating to evaluations by the Office of Juvenile Services.
797*	Change provisions relating to the Protection from Domestic Abuse Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
LR	
26	Ratify the proposed balanced budget amendment to the U.S. Constitution.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
90	Recognize problems created in competition between states in offering economic incentives.

CHRIS BEUTLER

LB	
24*	Authorize regulation of cellular and other mobile telecommunication services.
37*	Change provisions for motor vehicle financial responsibility, registration, and operator's licenses.
80	Eliminate the termination date for railroad transportation safety districts.
142	Require school districts provide preparation time for teachers.
143	Change provisions for use of public power surplus line capacity.
176	Change the number of members and the districts of the Game and Parks Commission.
222*	Change provisions relating to appeals of eminent domain awards.
236	Change the fees for park entry permits and create the State Recreational Trails Cash Revolving Fund.
237	Create the Task Force on River Assessment.
238	Change provisions relating to chemigation.
241***	Change provisions for distribution of state aid to community colleges.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
296	Provide fees and change provisions relating to recreational trails.
297	Exempt natural resources districts from limitations in actions for title or possession of certain real estate.

298*	Redefine "household income" relating to homestead exemption.
320	Adopt the Student Freedom of Expression Act.
388*	Provide a surcharge on certain defendants.
396	Change provisions for real property, release of mortgage, and trust deeds.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
480**	Eliminate the Nebraska Power Review Board and transfer its duties to the State Energy Office.
496*	Adopt the Parkinson's Disease Registry Act.
513*	Adopt the Dram Shop Act.
536*	Define terms and provide for automatic teller machine safety.
537	Change provisions for reporting under the Campaign Finance Limitation Act and change provisions for distribution of public funds.
538	Change provisions relating to certain appeals from the county court.
539	Change county court jurisdiction to include concurrent jurisdiction for domestic relations matters.
540	Exempt part-time band and orchestra members from employment security benefits.
541	Change provisions relating to historical license plates.
542*	Change provisions relating to impact aid and education.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
544	Change the time when a divorce decree becomes final.
545	Change provisions relating to awards of costs and attorney's fees in appeals cases relating to eminent domain.
546*	Eliminate the offense of unlawful possession of a revolver and create the offense of illegal possession of a firearm.
547	Create and provide duties for the Task Force for the Study of Time and Learning.
548*	Adopt the Candidate Campaign Committee Income Tax Act.
549	Change provisions relating to certain liens as special assessments.
550*	Create the offense of violation of visitation relating to children and families.
551	Provide for liability for damages resulting from criminal acts in business establishments, parking areas, and pedestrian pathways.
552	Change a date for funds from the Low Level Radioactive Waste Compact States to be remitted to the Community Improvements Cash Fund.

553	Eliminate a requirement for an affidavit relating to decommissioned water wells.
554	Change provisions for controlled shooting areas, captive wildlife and aquaculture permits, and recreational trails.
555**	Permit employment of certain minors in certain occupations.
576*	Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.
592***	Adopt the License Revocation Act and provide for child support and referees to hear visitation disputes.
604*	Change provisions for affiliation of and transfer of property between school districts.
618	Require minimum homework standards for school districts.
640	Adopt the Drinking Water Source Quality Act.
694*	Adopt the Design Professions Regulation Act.
697	Eliminate the Judicial Resources Commission.
716*	Change provisions relating to educational lands.
764	Adopt the Environmental Education Act.
773	Adopt the Kids First Health Insurance Pool Act.
774	Change requirements for real estate closing agents.
775*	Create the Sexually Violent Predator Act.
778*	Provide duties for the Department of Public Institutions, Department of Social Services, mental health centers and the State Patrol regarding handgun certificates.
803	Change provisions for induced ground water recharge appropriations.
854	Establish the position of State Recreational Trails Coordinator.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
872	Change provisions for the elective share of a spouse of a nonresident decedent when real estate in this state is involved.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
20CA*	Constitutional amendment to change requirements for granting paroles.
34CA	Constitutional amendment to provide for disciplinary action against judges.
36CA	Constitutional amendment to authorize the Legislature to enact laws upon ratification by the people.

37CA	Constitutional amendment to to authorize the Legislature to offer alternative measures to measures initiated by the people.
49	Oppose the sale, transfer, exchange or other disposition of the Western Area Power Administration due to the fiscal impact on taxpayers.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

ARDYCE BOHLKE

LB	
83*	Provide for regulation of electrology.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
120*	State intent relating to energy resources and provide duties for public power utilities.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
148*	Authorize schools to require criminal history information as a condition of employment.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
165*	Change provisions for the disclosure of certain information for children who are in the custody of the state or under court supervision.
187	Change a reference from "Pell Grant index" to "expected family contribution" relating to postsecondary education.
241***	Change provisions for distribution of state aid to community colleges.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
305*	Require visitation and consultation by a guardian ad litem.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
455***	Change provisions relating to public assistance.
455A	Appropriation Bill.
600	Provide for incentives for reorganized school districts.
601	Provide for a definition of "professional program" relating to postsecondary education.
624A	Appropriation Bill.
625	Provide a deadline for completion of salary negotiations between school boards and teachers.

628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
634*	Change provisions for an emission fee collected from air pollution sources.
754	Authorize the Commissioner of Education to require criminal history information for certain certificate applicants.
789*	Provide that certain records relating to job applicants considered for employment by the state are not public matters.
810*	Provide methods for the payment of employee wages.
818*	Adopt the Charter Schools Act.
840***	Change provisions for state aid for reorganized school districts.
840A	Appropriation Bill.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
849*	Create a program to reduce teen pregnancy.
852*	Provide for regulation of nail technicians and nail technology instructors, schools and salons.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
859A	Appropriation Bill.
860*	Provide for funding of access to statewide public computer information.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
29CA***	Constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.
51*	Urge Nebraska's congressional delegation to consider the benefits of Amtrak if federal transportation dollars are cut.

KERMIT A. BRASHEAR

LB

64*	Change provisions for membership applications to Nebraska veterans homes.
84*	Change the number of judges in the separate juvenile courts.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.

274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
436*	Redefine terms of the Local Option Municipal Economic Development Act.
493*	Allow federal law enforcement officers powers of arrest for state felonies.
505*	Change provisions for the school employee retirement systems for Class V school districts.
569	Change recovery limitations under the Nebraska Hospital-Medical Liability Act.
570	Create rights, liabilities, and obligations for proprietors and guests of lodging establishments.
571	Authorize contempt proceedings for failure to pay court-ordered medical support or bills.
620	Provide for license plates for Nebraska Cornhusker fans.
642*	Provide for case reviews for children in foster care.
643*	Change provisions relating to school, learner's, and farm permits.
699*	Change form and record requirements for employment agencies.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
801*	Change income amounts relating to homestead exemptions.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
863*	Change provisions relating to liability for vehicular pursuit.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

CURT BROMM

LB

38*	Change provisions relating to the fine for moving traffic violations occurring in a construction zone.
90	Eliminate trial by jury for certain criminal cases in county court.
91	Change provisions for the costs of transcripts of certain municipal proceedings.

92	Change provisions for prima facie evidence of guilt and provide a penalty for unauthorized utility reconnections.
93	Change provisions for city council meetings and voting in second class cities.
94	Change provisions for recording gauges relating to irrigation.
95	Exempt purchases by public museums from sales and use tax.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
113*	Adopt the Alcoholic Liquor to Minors Responsibility Act.
120*	State intent relating to energy resources and provide duties for public power utilities.
144***	Adopt the Partnerships for Economic Development Act.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
158*	Change provisions relating to limitations on proceedings against trustees.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
168*	Change notice provisions for public hearings on administrative rules and regulations.
177*	Change provisions for appeals and costs relating to eminent domain.
205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
213*	Change provisions for flashing or rotating lights on emergency vehicles.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
366*	Change provisions relating to county hospital budget statements.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
423*	Change provisions for appointment, powers, and duties of guardians and conservators.
425***	Create the Selective Enhancement for Economic Development Fund.
455***	Change provisions relating to public assistance.
511*	Prohibit campaign contributions during legislative sessions.
512	Adopt provisions relating to banks and mergers.

513*	Adopt the Dram Shop Act.
577*	Provide for building levies for affiliated school systems.
630*	State legislative intent relating to the funding of public education.
645*	Create the Sex Offender Registration Act.
682*	Provide for a budget lid for educational service units.
694*	Adopt the Design Professions Regulation Act.
708*	Change provisions for applicability of the school enrollment option programs.
716*	Change provisions relating to educational lands.
731*	Provide for voluntary self-evaluation and environmental audit reports.
734	Change provisions relating to investments and fiduciaries.
771*	Provide for in lieu of tax payments by metropolitan utilities districts.
772	Authorize an easement by the Legislature to the City of Wahoo for maintenance of a sanitary sewer line.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
42CA	Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.

PAM BROWN

LB

19*	Change the number of judges in the separate juvenile courts and in district court judicial districts.
68*	Change provisions relating to breast and cervical cancer.
113*	Adopt the Alcoholic Liquor to Minors Responsibility Act.

185*	Authorize the suspension of driving privileges for certain juveniles.
232*	Create and provide duties for the Juvenile Criminal Code Revision Task Force.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
401*	Change provisions relating to child care.
425***	Create the Selective Enhancement for Economic Development Fund.
436*	Redefine terms of the Local Option Municipal Economic Development Act.
453	Change provisions of the Local Government Miscellaneous Expenditure Act.
505*	Change provisions for the school employee retirement systems for Class V school districts.
532*	Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
572*	Prohibit examinations of housing authorities by the Auditor of Public Accounts.
621*	Change provisions for pilot programs relating to early childhood programs.
633*	Provide that certain training is not a disqualification for employment security benefits.
642*	Provide for case reviews for children in foster care.
698	Establish the Nebraska Commission on Human Genetic Technologies.
699*	Change form and record requirements for employment agencies.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
766*	Change provisions relating to driving under the influence and "zero tolerance."
797*	Change provisions relating to the Protection from Domestic Abuse Act.
801*	Change income amounts relating to homestead exemptions.
802*	Change provisions relating to early childhood education pilot projects.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.

830*	Adopt the Nebraska Redevelopment Act.
863*	Change provisions relating to liability for vehicular pursuit.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
41CA	Constitutional amendment to remove references to the Public Service Commission and the Railway Commission.

ERNIE CHAMBERS

LB

18	Eliminate the death penalty.
19*	Change the number of judges in the separate juvenile courts and in district court judicial districts.
19A	Appropriation Bill.
20	Provide duties for employers of non-English-speaking employees.
20A	Appropriation Bill.
21	Change provisions relating to employment discrimination based on sexual orientation.
22	Eliminate provisions relating to the offense of adultery.
23	Change enforcement provisions relating to the Public Service Commission.
24*	Authorize regulation of cellular and other mobile telecommunication services.
216*	Prohibit certain actions by employers based on use of lawful products by employees.
222*	Change provisions relating to appeals of eminent domain awards.
308*	Prohibit ticket quota requirements for law enforcement.
372	Require majority approval of elected members of a community college board for employee contracts and appropriations.
435	Require payment to football players at the University of Nebraska at Lincoln.
519*	Void certain contingent fee contracts and provide requirements for contracts for personal services.
572*	Prohibit examinations of housing authorities by the Auditor of Public Accounts.
784	Adopt the Unjust Conviction and Imprisonment Act.

LR

27CA	Authorize Legislators to participate in employee benefit programs available to other state officials.

GEORGE COORDSEN

LB	
37*	Change provisions for motor vehicle financial responsibility, registration, and operator's licenses.
37A	Appropriation Bill.
38*	Change provisions relating to the fine for moving traffic violations occurring in a construction zone.
39	Change provisions relating to the delegation of certain authority by the State Fire Marshal.
50	Require a hearing by public power districts prior to construction of a new transmission line.
64*	Change provisions for membership applications to Nebraska veterans homes.
101*	Authorize planning and coordination grants for railroads and change the disposition of proceeds of certain taxes.
114*	Provide for lifetime habitat stamps and lifetime trout stamps.
115*	Authorize a local income tax for school districts and affiliated districts.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
168*	Change notice provisions for public hearings on administrative rules and regulations.
177*	Change provisions for appeals and costs relating to eminent domain.
198*	Change limited owner or lessee hunting permits and limitation.
229*	Eliminate fees for small capacity water wells.
249	Provide for use of an economic variables test and concentric circle approach for establishing pay rates under the Industrial Relations Act.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
298*	Redefine "household income" relating to homestead exemption.
301	Require an energy-cost study by the State Energy Office and the Department of Economic Development.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
318	Change provisions for awards of costs and attorney's fees incurred on appeal relating to eminent domain.

319	Provide for size permits for certain farm machinery.
321	Change provisions for the number and placement of license plates on certain vehicles.
322	Change provisions for suspension and revocation of driver's licenses.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
357*	Provide a reporting system for entities involved in farm and ranch operations.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
425***	Create the Selective Enhancement for Economic Development Fund.
442	Require health care providers to furnish a patient's medical records to the patient.
443	Phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces.
483*	Change provisions relating to a homestead exemption.
503*	Adopt the Small Business Investment Tax Credit Act.
530*	Change provisions relating to state buildings, grounds, and property.
533*	Change provisions relating to taxation of motor vehicles.
557*	Repeal the Interstate Compact on Agricultural Grain Marketing.
605*	Exempt custom harvesting equipment from personal property tax.
617	Provide for damages relating to acquisition of agricultural land for electric transmission lines.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
630*	State legislative intent relating to the funding of public education.
648*	Change provisions relating to sales and use taxes, income taxes, property taxes, and aid to education.
696*	Provide for message license plates for farm trucks.
724*	Adopt the Medical Savings Account Act.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
848*	Adopt the Private Natural Gas Company Act.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
25CA	Constitutional amendment to require the Legislature to appropriate funds for programs mandated by the Legislature to political subdivisions.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
35	Encourage the Board of Directors of the Nebraska Public Power District to delay construction of certain transmission lines.
38CA*	Constitutional amendment to change the date on which the Legislature convenes in regular ninety-day sessions.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

LAVON CROSBY

LB

25*	Ensure full access to comprehensive mental health, alcoholism and drug abuse services for hearing-impaired persons.
25A	Appropriation Bill.
34	Create the position of Director of Library Media Services in the State Department of Education.
35	Authorize the refund of hunting permit fees in certain circumstances.
36	Change provisions relating to plumbers.
87*	Eliminate provisions relating to the presence and extermination of prairie dogs.
110	Appropriate funds for the purchase of video equipment for law enforcement motor vehicles.
111*	Provide for blood specimen certificates relating to driving or boating under the influence of alcohol or a controlled substance.
113*	Adopt the Alcoholic Liquor to Minors Responsibility Act.
132*	Provide penalties for speeding, failure to yield, and passing in a school crossing zone.
138*	Increase the number of district judges in the third judicial district.
144***	Adopt the Partnerships for Economic Development Act.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
150*	Lower the prohibited concentration of alcohol for DWI conviction.

151*	Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
189A	Appropriation Bill.
201*	Change provisions for penalties, license suspension or revocation for driving under the influence.
241***	Change provisions for distribution of state aid to community colleges.
242*	Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
243*	Change the penalty for procuring liquor for a minor.
244*	Redefine "child abuse" or "neglect" to include a passenger in a motor vehicle when the operator is driving under the influence.
245	Change provisions for the reduction of a license revocation term for driving while intoxicated.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
302	Provide for responsibility for payment of costs of medical services for individuals who are arrested, detained or taken into custody.
305*	Require visitation and consultation by a guardian ad litem.
335*	Provide for braille instruction for blind students.
364*	Change petition and election procedures under the Local Option Tax Control Act.
381*	Change provisions for the proceeds from the sale of surplus property and create the Nebraska State Patrol Vehicle Replacement Cash Fund.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
419	Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
425***	Create the Selective Enhancement for Economic Development Fund.
425A*	Appropriation Bill.
492*	Define the practice and licensure requirements for medical nutrition therapy.
507	Change penalty provisions relating to minors and driving while intoxicated.
511*	Prohibit campaign contributions during legislative sessions.
513*	Adopt the Dram Shop Act.
542*	Change provisions relating to impact aid and education.

543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
578*	Change provisions relating to review of foster care placements.
579	Change residency requirements under the Game Law.
580	Provide duties for the Appropriations Committee of the Legislature relating to the Welfare Reform Act.
590*	Provide for public libraries and public library federations.
610	Authorize certain school districts to impose a sales and use tax.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
641*	Change provisions relating to bad checks.
642*	Provide for case reviews for children in foster care.
683	Require health insurance coverage for certain joint disorders.
684	Create the Welfare Reform Act Impact Study Committee.
685	Change membership requirements for the Game and Parks Commission.
686	Authorize certain vehicles to exceed length restrictions.
705*	Prohibit pricing discrimination for prescription drugs.
711*	Require insurance coverage of certain infertility procedures and treatment.
751	Change the penalties for failure to stop or furnish information.
769*	Provide for substance abuse treatment as a condition of driver's license reinstatement.
770*	Change the rate of taxation on alcoholic liquor.
775*	Create the Sexually Violent Predator Act.
809	Prohibit open containers of alcohol in motor vehicles.
843*	Change provisions for payment standards for cash assistance relating to public assistance.
852*	Provide for regulation of nail technicians and nail technology instructors, schools and salons.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.

46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
48*	Urge Congress to continue support of educational and public telecommunications.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

JIM D. CUDABACK

LB	
81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
82*	Redefine "farm truck" relating to motor vehicle registration.
83*	Provide for regulation of electrology.
83A	Appropriation Bill.
115*	Authorize a local income tax for school districts and affiliated districts.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
156	Change provisions for appointments to a community redevelopment authority in cities and villages.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168*	Change notice provisions for public hearings on administrative rules and regulations.
202*	Change provisions for tax certificates and deeds relating to tax sales and marriage license fees.
205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
250	Change provisions for suburban development, city planning, and zoning for cities and villages.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.

425***	Create the Selective Enhancement for Economic Development Fund.
429*	Create the Clean Air Title V Cash Fund.
444	Provide for state financing of county indigent legal representation.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
530*	Change provisions relating to state buildings, grounds, and property.
585*	Authorize a county income tax.
590*	Provide for public libraries and public library federations.
605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
648*	Change provisions relating to sales and use taxes, income taxes, property taxes, and aid to education.
649*	Adopt the County Initiative and Referendum Act.
732	Change provisions for payments in lieu of taxes by public power and irrigation districts.
758	Change the jurisdiction of the county court.
799*	Create the Nebraska Cable Television Act.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
827	Change eminent domain procedures relating to railroads.
833*	Change the income tax rate and the sales tax rate.
845*	Change provisions relating to audits for school districts.
857	Change provisions relating to marking or identification of underground facilities under the One-Call Notification System Act.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
873*	Change provisions for refunds of registration fees and property taxes on motor vehicles.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.

CONNIE J. DAY

LB	
68*	Change provisions relating to breast and cervical cancer.
78	Allow for a wrongful death action upon the death of a viable fetus.
79	Change provisions relating to the service of misdemeanor sentences.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
146*	Provide for a specialized telecommunications equipment program for hearing-impaired or speech-impaired persons.
161*	Change notice requirements relating to change of name.
168*	Change notice provisions for public hearings on administrative rules and regulations.
207*	Change provisions of the Local Option Municipal Economic Development Act.
252*	Eliminate the statute of limitations on the offense of sexual assault of a child.
253	Provide for a bonded certificate of title for motor vehicles.
253A	Appropriation Bill.
254	Change conditions for issuance of license plates for historical vehicles.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
264*	Change and eliminate provisions for advertising signs and junkyards along highways.
387	Change provisions for aid to dependent children (ADC) payments for unborn children.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
414*	Change provisions relating to nurse practitioners.
414A	Appropriation Bill.
425***	Create the Selective Enhancement for Economic Development Fund.
430*	Provide sales and use tax exemptions for molds and dies and materials used in manufacturing steel or cement.
448	Change provisions relating to physical therapists.
448A	Appropriation Bill.
449	Authorize the administration of local anesthesia by licensed dental hygienists.
449A	Appropriation Bill.
455***	Change provisions relating to public assistance.
492*	Define the practice and licensure requirements for medical nutrition therapy.
497	Change review and recommendation procedures under the Nebraska Health Care Certificate of Need Act.

510*	Change provisions for temporary custody and detention or placement of juveniles.
532*	Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
550*	Create the offense of violation of visitation relating to children and families.
563	Name the Nurse Practice Act.
563A	Appropriation Bill.
564	Change provisions for transfers of titles, licensing and regulation by the Nebraska Motor Vehicle Industry Licensing Board.
578*	Change provisions relating to review of foster care placements.
587*	State intent for appropriations for developmental disabilities services.
592***	Adopt the License Revocation Act and provide for child support and referees to hear visitation disputes.
592A	Appropriation Bill.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
633*	Provide that certain training is not a disqualification for employment security benefits.
645*	Create the Sex Offender Registration Act.
667	Adopt the Children's Health Purchasing Cooperative Act.
668	Change provisions for financial assurance for certain landfill activities.
730*	Create the Sexual Offender Registration and Community Notification Act.
766*	Change provisions relating to driving under the influence and "zero tolerance."
766A	Appropriation Bill.
775*	Create the Sexually Violent Predator Act.
797*	Change provisions relating to the Protection from Domestic Abuse Act.
832	Redefine terms relating to foster care.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
849*	Create a program to reduce teen pregnancy.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
885**	Provide administration of job training programs through the Department of Economic Development.

LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
14CA	Constitutional amendment to change the repayment provisions for the redevelopment of blighted property.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
28*	Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.

MERTON L. DIERKS

LB	
81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
82*	Redefine "farm truck" relating to motor vehicle registration.
101*	Authorize planning and coordination grants for railroads and change the disposition of proceeds of certain taxes.
102*	Provide the Nebraska State Insurance Program is available to legal residents of the state.
103***	Change provisions for acquisition, cleanup costs and ownership requirements of radioactive waste sites and materials.
104*	Change provisions for limitations on civil procedure actions relating to the design, construction, or assembly of radioactive waste facilities.
105A	Appropriation Bill.
106*	Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
107*	Adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act.
120*	State intent relating to energy resources and provide duties for public power utilities.
121*	Prohibit smoking in state buildings and vehicles.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
160*	Change provisions for expenses of board members of reclamation districts.
168*	Change notice provisions for public hearings on administrative rules and regulations.
169*	Provide sheep milk is included in the Nebraska Pasteurized Milk Law.
170*	Eliminate provisions for a common levy for Class VI school systems.
229*	Eliminate fees for small capacity water wells.

239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.
247*	Redefine "domestic use of ground water" to include aquaculture facility fish.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
267*	Exempt personal property of certain cooperatives and nonprofit corporations from taxation.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
349*	Change provisions of the Tax Equity and Educational Opportunities Support Act.
357*	Provide a reporting system for entities involved in farm and ranch operations.
358	Require community consent for a low level facility license application and the developer to pay certain costs.
359	Require net billing by an electric utility for certain electricity generators.
360*	Change a requirement for listing school districts and counties by taxpayers.
366*	Change provisions relating to county hospital budget statements.
373*	Include students of pharmacy, dentistry, and physical and occupational therapy in the loan program under the Rural Health Systems and Professional Incentive Act.
373A	Appropriation Bill.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
425***	Create the Selective Enhancement for Economic Development Fund.
427	Provide insurance coverage under the Nebraska State Insurance Program for certain school employees.
428	Eliminate the Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles.
451*	Provide for licensure standards for Native American foster homes.
485	Change provisions relating to health care.
585*	Authorize a county income tax.
586*	Change provisions for the handling and carrying of alcoholic liquors by minors.
604*	Change provisions for affiliation of and transfer of property between school districts.

605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
630*	State legislative intent relating to the funding of public education.
641*	Change provisions relating to bad checks.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
696*	Provide for message license plates for farm trucks.
730*	Create the Sexual Offender Registration and Community Notification Act.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
843*	Change provisions for payment standards for cash assistance relating to public assistance.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

W. OWEN ELMER

LB

30*	Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.

100*	Provide an exemption from allotment limits for irrigation.
144***	Adopt the Partnerships for Economic Development Act.
230	Provide for entry upon property by representatives of political subdivisions.
246*	Change enforcement and penalty provisions for motorcycle helmets.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
290	Provide reimbursement of transportation costs to school districts which are incurred pursuant to state law and for which reimbursement is not required.
310	Provide lethal injection as an additional mode of inflicting the death penalty.
324*	Provide an exception for housing authorities from the Nebraska Budget Act.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
407*	Change provisions for oil and gas drilling permit fees.
486*	Provide for state financing of county correctional services.
487*	Provide for state financing of county criminal prosecutions.
576*	Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.
590*	Provide for public libraries and public library federations.
605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
679	Adopt the Collision Repair Facility Act.
767*	Change provisions relating to simulcast licenses for horseracing.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
855*	Provide duties for state agencies and political subdivisions relating to protection of the environment.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
40CA*	Constitutional amendment to provide that the Legislature may prescribe conditions of ownership and operation of agricultural land.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

LEO "PAT" ENGEL

LB	
144***	Adopt the Partnerships for Economic Development Act.
241***	Change provisions for distribution of state aid to community colleges.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
425A*	Appropriation Bill.
451*	Provide for licensure standards for Native American foster homes.
459*	Change and eliminate provisions for snowmobile registration periods, number plates, and equipment regulation.
484*	Change reimbursement provisions relating to petroleum release remedial actions.
488*	Change the date for the county treasurer's annual report on delinquent real estate taxes.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
642*	Provide for case reviews for children in foster care.
643*	Change provisions relating to school, learner's, and farm permits.
696*	Provide for message license plates for farm trucks.
756*	Change provisions for the board of directors of fire protection districts.
767*	Change provisions relating to simulcast licenses for horseracing.

870*	Provide funding for ethanol tax credits from the General Fund.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
48*	Urge Congress to continue support of educational and public telecommunications.

DAN FISHER

LB	
98	Change provisions for hunter and bow education programs.
120*	State intent relating to energy resources and provide duties for public power utilities.
144***	Adopt the Partnerships for Economic Development Act.
185*	Authorize the suspension of driving privileges for certain juveniles.
186*	Change provisions relating to dummy axles.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
328*	Permit certain nonprofit organizations to apply for a license to sell pickle cards.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.
384*	Change provisions relating to banks and banking.
425***	Create the Selective Enhancement for Economic Development Fund.
438	Change and eliminate provisions for boiler inspections and fees.
438A	Appropriation Bill.
459*	Change and eliminate provisions for snowmobile registration periods, number plates, and equipment regulation.
482*	Change provisions for publication and distribution of proposed constitutional amendments.
483*	Change provisions relating to a homestead exemption.

484*	Change reimbursement provisions relating to petroleum release remedial actions.
493*	Allow federal law enforcement officers powers of arrest for state felonies.
494	Change provisions relating to the Nebraska Industrial Development Corporation Act.
496*	Adopt the Parkinson's Disease Registry Act.
632*	Change provisions relating to foreign corporations.
634*	Change provisions for an emission fee collected from air pollution sources.
642A*	Appropriation Bill.
724*	Adopt the Medical Savings Account Act.
725	Change provisions relating to the deposit of state funds.
730*	Create the Sexual Offender Registration and Community Notification Act.
767*	Change provisions relating to simulcast licenses for horseracing.
788***	Create the Medical Savings Account Act.
812*	Change provisions relating to tobacco products and minors.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
882*	Change provisions relating to banks with similar names.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.

TIMOTHY J. HALL

LB

159*	Change provisions for the loaning of textbooks by school districts to private schools.
215	Provide an increase in the minimum wage rate.
216*	Prohibit certain actions by employers based on use of lawful products by employees.
217*	Change the hours to sell or dispense alcoholic liquor.
218*	Authorize contracts for operation and management services for horseracing.
219*	Change provisions relating to driver's license reinstatement fees.
220*	Provide liability provisions for accountants.
221*	Redefine employer to include newspaper carriers under worker's compensation.

222*	Change provisions relating to appeals of eminent domain awards.
223	Require the signing of appellate court opinions.
224*	Eliminate the Nebraska Health Care Certificate of Need Act.
225*	Authorize the issuance of an employment driving permit during a period of administrative revocation.
226	Change provisions for the expenditure of funds relating to the City of Omaha Public Events Facilities Fund.
227	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
246*	Change enforcement and penalty provisions for motorcycle helmets.
278*	Provide an income tax credit for certain educational expenses.
279*	Change the tax offset provisions under the Comprehensive Health Insurance Pool Act.
300*	Change provisions for income tax calculations and insurance companies subject to retaliatory taxes.
306	Eliminate explanatory ballot statements for constitutional amendments.
307*	Eliminate committees and a commission related to intergovernmental cooperation.
337*	Change and provide procedures for circulating and verifying initiative and referendum petitions.
379*	Exclude admission fees charged by nonprofit organizations from sales and use tax.
400	Change provisions relating to employment discrimination based on sexual orientation.
425***	Create the Selective Enhancement for Economic Development Fund.
446*	Change provisions relating to the Board of Parole.
492*	Define the practice and licensure requirements for medical nutrition therapy.
505*	Change provisions for the school employee retirement systems for Class V school districts.
506	Change membership provisions of the Nebraska Accountability and Disclosure Commission.
508*	Require the Executive Board of the Legislature to adopt policies for the payment of per diem expenses.
509*	Change provisions for the conducting of audits.
587*	State intent for appropriations for developmental disabilities services.
588*	Authorize a civil action for damages resulting from a misrepresentation of age by a minor.
589	Change and eliminate references to the Revised Statutes of Nebraska.

735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
781*	Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
812*	Change provisions relating to tobacco products and minors.
813	Change provisions relating to prior convictions for driving under the influence.
814	Change provisions relating to the renewal of driver's licenses and state identification cards.
815	Require disclosure of manufacturer adjustment programs for motor vehicles.
816	Require an insurance premium reduction for completion of driver improvement courses.
817*	Eliminate restrictions on types of corporations and associations which may be licensed relating to horseracing.
818*	Adopt the Charter Schools Act.
819	Adopt the Medical Savings Account Act.
820*	Change provisions relating to oaths of office.
821	Require a filing fee by complainants under the Nebraska Fair Employment Practice Act.
822	Provide property tax exemption criteria for nonprofit hospitals.
823	Change appointment procedures for members of the Nebraska Accountability and Disclosure Commission.
824	Eliminate a qualifications requirement for the Director of Health.
844*	Create the Employees of Elected Constitutional Offices Supplemental Retirement Act.
851*	Adopt the Local Option Gaming Act.
856	Change procedures under the State Government Effectiveness Act.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
870*	Provide funding for ethanol tax credits from the General Fund.
886***	Merge the Equal Opportunity Commission into the Department of Labor.
LR	
18CA	Constitutional amendment to change the voting requirement for paroles and provide the Governor with veto power of paroles.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.

47CA***	Constitutional amendment to provide for appointment of the members of the State Board of Education and Commissioner of Education by the Governor.
97	Recognize the need to demilitarize the conflict in the North of Ireland to encourage further progress in the Irish Peace Process.

D. PAUL HARTNETT

LB	
30*	Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.
31*	Provide an income tax adjustment for federal government pensions.
49*	Change limitations on property tax receipts.
82*	Redefine "farm truck" relating to motor vehicle registration.
120*	State intent relating to energy resources and provide duties for public power utilities.
144***	Adopt the Partnerships for Economic Development Act.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
189*	Change salaries of judges, number of district court judges, and filling judicial vacancies.
214*	Allow additional health care providers to give physical exams and immunization statements relating to student health.
228*	Provide an income tax credit.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
280	Prohibit the controlling of rent.
285*	Change provisions relating to county attorneys.
286*	Change voter approval provisions for capital construction projects.
293*	Eliminate the Thoroughbred Racing Assistance Fund.
300*	Change provisions for income tax calculations and insurance companies subject to retaliatory taxes.
303*	Change provisions relating to judicial nominating commissions.
329	Require construction and operation of a wind energy conversion system.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.

399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
410*	Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.
425***	Create the Selective Enhancement for Economic Development Fund.
436*	Redefine terms of the Local Option Municipal Economic Development Act.
454	Adopt the Leave of Absence for Candidacy and Public Service Act.
468	Eliminate provisions for registration of beer kegs.
476*	Change provisions for membership on the planning commission of cities and villages.
488*	Change the date for the county treasurer's annual report on delinquent real estate taxes.
500*	Provide for appointed members for educational service units and eliminate elections for membership.
520*	Increase the number of district court judges.
542*	Change provisions relating to impact aid and education.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
590*	Provide for public libraries and public library federations.
593A	Appropriation Bill.
603*	Provide additional election and nominating procedures for judicial nominating commissions.
609*	Change provisions relating privately owned public use airports.
611	Change provisions relating to required smoke detectors.
612*	Create the rehabilitation advisory council to the Department of Public Institutions.
621*	Change provisions for pilot programs relating to early childhood programs.
642*	Provide for case reviews for children in foster care.
644*	Provide for access to county health insurance benefits for county sheriffs after retirement.
677	Exempt certain coins and currency from sales and use tax.
678*	Change provisions relating to unlawful possession of a firearm on school grounds.
682*	Provide for a budget lid for educational service units.
690*	Change provisions for responsibility for certain costs for commitment of persons by mental health boards.
705*	Prohibit pricing discrimination for prescription drugs.
706*	Provide a sales and use tax refund for volunteer organizations.
707	Provide a sales and use tax refund for nonprofit senior citizen centers.

708*	Change provisions for applicability of the school enrollment option programs.
709*	Authorize employees of first class cities membership in the County Employees Retirement System.
733*	Eliminate a deadline for opting out of an educational service unit.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
738*	Provide for denial or limitation of certain requests by utilities.
753	Change provisions relating to aggravating circumstances in capital cases.
756*	Change provisions for the board of directors of fire protection districts.
757*	Change election and meeting provisions for the board of directors of fire protection districts.
760*	Change provisions for tax levy limitations by educational service units.
761*	Permit contracts and fees for services for educational service units.
762	Change provisions relating to pickle card units and prize limits.
780	Eliminate educational service units.
781*	Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
782*	Change provisions relating to rate filing notices under the Municipal Natural Gas Regulation Act.
783*	Change provisions relating to the rate filing hearing under the Municipal Natural Gas Regulation Act.
807*	Provide for recall of directors of rural or suburban fire protection districts.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
860*	Provide for funding of access to statewide public computer information.
861*	Require full-time guidance counselors in certain school districts.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
LR	
3CA*	Constitutional amendment to establish the Tax Equalization and Review Commission.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

30CA*	Constitutional amendment to provide property of the state and its governmental subdivisions is exempt from taxation if used for public purposes.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
44CA*	Constitutional amendment to authorize recovery of certain personnel costs incurred in the prosecution of violations resulting in collection of fines.

JOYCE HILLMAN

LB	
68*	Change provisions relating to breast and cervical cancer.
83*	Provide for regulation of electrology.
88*	Exempt irrigation districts from the Nebraska Budget Act.
89*	Create the NEB*SAT Cash Fund.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
100*	Provide an exemption from allotment limits for irrigation.
112*	Change provisions relating to rural highway signs.
120*	State intent relating to energy resources and provide duties for public power utilities.
124	Change provisions for unclassified service in the county service system.
132*	Provide penalties for speeding, failure to yield, and passing in a school crossing zone.
144***	Adopt the Partnerships for Economic Development Act.
207*	Change provisions of the Local Option Municipal Economic Development Act.
241***	Change provisions for distribution of state aid to community colleges.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
264*	Change and eliminate provisions for advertising signs and junkyards along highways.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
305*	Require visitation and consultation by a guardian ad litem.
338*	Provide for aquatic management areas and habitats and for aquatic habitat stamps.
383*	Authorize the purchases of vehicles and equipment for the intercity bus systems.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
510*	Change provisions for temporary custody and detention or placement of juveniles.

578*	Change provisions relating to review of foster care placements.
621*	Change provisions for pilot programs relating to early childhood programs.
633*	Provide that certain training is not a disqualification for employment security benefits.
674*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
696*	Provide for message license plates for farm trucks.
756*	Change provisions for the board of directors of fire protection districts.
757*	Change election and meeting provisions for the board of directors of fire protection districts.
797*	Change provisions relating to the Protection from Domestic Abuse Act.
807*	Provide for recall of directors of rural or suburban fire protection districts.
863*	Change provisions relating to liability for vehicular pursuit.
864	Change provisions relating to sanitary and improvement districts.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
40CA*	Constitutional amendment to provide that the Legislature may prescribe conditions of ownership and operation of agricultural land.
46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
48*	Urge Congress to continue support of educational and public telecommunications.

CAROL HUDKINS

LB

57	Change provisions relating to the offense of public indecency.
58	Change the definition of "employee" or "worker" relating to workers' compensation.
83*	Provide for regulation of electrology.
126*	Change provisions relating to the offense of criminal mischief.

127	Change provisions relating to reduction of a sentence and appeals to the Supreme Court in civil and criminal actions.
128	Change in forma pauperis provisions.
129	Change tolling provisions relating to civil procedure.
138*	Increase the number of district judges in the third judicial district.
144***	Adopt the Partnerships for Economic Development Act.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
150*	Lower the prohibited concentration of alcohol for DWI conviction.
151*	Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
168*	Change notice provisions for public hearings on administrative rules and regulations.
177*	Change provisions for appeals and costs relating to eminent domain.
200	Change provisions relating to inmate discipline.
201*	Change provisions for penalties, license suspension or revocation for driving under the influence.
208	Change the amount of an administrative collection fee for sale and use taxes.
209	Change provisions relating to controlled shooting areas and captive wildlife and aquaculture permits.
222*	Change provisions relating to appeals of eminent domain awards.
229*	Eliminate fees for small capacity water wells.
242*	Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
243*	Change the penalty for procuring liquor for a minor.
244*	Redefine "child abuse" or "neglect" to include a passenger in a motor vehicle when the operator is driving under the influence.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
257*	Provide for a personal property tax exemption for investments in certain business property.
266*	Authorize certain contracts for the operation of places of correctional confinement.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
367*	Provide a cause of action for disparagement of a perishable agricultural food product or commodity.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.
388*	Provide a surcharge on certain defendants.

399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
412*	Change provisions for collection of taxes and special assessments.
418*	Change provisions for publication costs of legal notices.
459*	Change and eliminate provisions for snowmobile registration periods, number plates, and equipment regulation.
477*	Change provisions for releases of mortgages and reconveyances for trust deeds.
478	Clarify authorized withholding from employment security benefits.
479	Change the penalty for false statements relating to employment security.
498	Create the offense of coercing a health care professional.
590*	Provide for public libraries and public library federations.
630*	State legislative intent relating to the funding of public education.
641*	Change provisions relating to bad checks.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
771*	Provide for in lieu of tax payments by metropolitan utilities districts.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
812*	Change provisions relating to tobacco products and minors.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
20CA*	Constitutional amendment to change requirements for granting paroles.

21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

RAY JANSSEN

LB	
82*	Redefine "farm truck" relating to motor vehicle registration.
144***	Adopt the Partnerships for Economic Development Act.
148*	Authorize schools to require criminal history information as a condition of employment.
205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
212*	Change provisions for consolidation of counties and county offices and the joint exercise of powers.
241***	Change provisions for distribution of state aid to community colleges.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
305*	Require visitation and consultation by a guardian ad litem.
328*	Permit certain nonprofit organizations to apply for a license to sell pickle cards.
366*	Change provisions relating to county hospital budget statements.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
409	Eliminate provisions relating to citations for failure to register motor vehicles.
410*	Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.
411	Change provisions relating to parties to civil actions.
412*	Change provisions for collection of taxes and special assessments.
425***	Create the Selective Enhancement for Economic Development Fund.

472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
477*	Change provisions for releases of mortgages and reconveyances for trust deeds.
530*	Change provisions relating to state buildings, grounds, and property.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
567*	Provide procedures for granting of utility easements on state-owned land.
568*	Provide for development and use of a state comprehensive capital facilities plan.
585*	Authorize a county income tax.
586*	Change provisions for the handling and carrying of alcoholic liquors by minors.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
630*	State legislative intent relating to the funding of public education.
634*	Change provisions for an emission fee collected from air pollution sources.
637*	Create the Emergency Medical Services Providers Fund.
641*	Change provisions relating to bad checks.
654	Change duties performed by dental auxiliaries.
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
682*	Provide for a budget lid for educational service units.
706*	Provide a sales and use tax refund for volunteer organizations.
756*	Change provisions for the board of directors of fire protection districts.
757*	Change election and meeting provisions for the board of directors of fire protection districts.
760*	Change provisions for tax levy limitations by educational service units.
810*	Provide methods for the payment of employee wages.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
873*	Change provisions for refunds of registration fees and property taxes on motor vehicles.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

JIM JENSEN

LB

168*	Change notice provisions for public hearings on administrative rules and regulations.
172*	Change provisions relating to the lien of a physician, nurse, or hospital.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
436*	Redefine terms of the Local Option Municipal Economic Development Act.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
682*	Provide for a budget lid for educational service units.
696*	Provide for message license plates for farm trucks.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
746*	Change provisions relating to liability for and procedures of vehicular pursuit.
755*	Change provisions for appeals in capital punishment cases.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
801*	Change income amounts relating to homestead exemptions.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
850*	Change provisions relating to actions for restitution under the Landlord and Tenant Act.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

JIM JONES

LB	
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
106*	Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
107*	Adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
150*	Lower the prohibited concentration of alcohol for DWI conviction.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
160*	Change provisions for expenses of board members of reclamation districts.
167	Provide powers of the county board of equalization relating to levies.
168*	Change notice provisions for public hearings on administrative rules and regulations.
169*	Provide sheep milk is included in the Nebraska Pasteurized Milk Law.
170*	Eliminate provisions for a common levy for Class VI school systems.
177*	Change provisions for appeals and costs relating to eminent domain.
229*	Eliminate fees for small capacity water wells.
257*	Provide for a personal property tax exemption for investments in certain business property.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
345A	Appropriation Bill.
346*	Authorize hearings for disciplinary actions and removal of police officers in second class cities and villages.
347*	Provide powers and duties for cities and villages relating to cable utility system ownership.
348*	Provide an exemption from civil liability and for posting of warning signs for equine activities.

349*	Change provisions of the Tax Equity and Educational Opportunities Support Act.
366*	Change provisions relating to county hospital budget statements.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
585*	Authorize a county income tax.
587*	State intent for appropriations for developmental disabilities services.
605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
630*	State legislative intent relating to the funding of public education.
642A*	Appropriation Bill.
649*	Adopt the County Initiative and Referendum Act.
672*	Redefine "actual value of real property" for taxation purposes.
682*	Provide for a budget lid for educational service units.
755*	Change provisions for appeals in capital punishment cases.
760*	Change provisions for tax levy limitations by educational service units.
766*	Change provisions relating to driving under the influence and "zero tolerance."
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
841*	Change provisions relating to trust accounts and real estate brokers.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
LR	
6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
40CA*	Constitutional amendment to provide that the Legislature may prescribe conditions of ownership and operation of agricultural land.

DOUGLAS A. KRISTENSEN

LB	
51	Limit recovery for claims under the State Tort Claims Act.
52	Provide for trial only by the court without a jury under the Uniform Residential Landlord and Tenant Act.
53	Establish the Nebraska Constitutional Revision Commission.
54	Redefine "replacement water well."
55	Change provisions relating to consent and adoption.
56	Change provisions relating to judges' retirement.
65*	Change provisions for the selection of presidential electors.
109*	Adopt the Business Corporation Act.
109A	Appropriation Bill.
125	Change provisions for employment of persons committed to the Department of Correctional Services.
126*	Change provisions relating to the offense of criminal mischief.
144***	Adopt the Partnerships for Economic Development Act.
210*	Exempt certain molds, dies, and patterns from sales and use taxes.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
298*	Redefine "household income" relating to homestead exemption.
323	Change provisions relating to commercial motor vehicles.
337*	Change and provide procedures for circulating and verifying initiative and referendum petitions.
351	Change provisions relating to the retirement age for judges.
352	Change provisions relating to the offense of loitering about a jail.
353	Provide authority to law enforcement personnel relating to disaster or civil defense situations.

354	Prohibit oppression under color of office and provide a penalty.
355	Change provisions of the Nebraska Liquor Control Act.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
418*	Change provisions for publication costs of legal notices.
461	Adopt updated federal motor carrier safety regulations and hazardous material regulations.
465A	Appropriation Bill.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
486*	Provide for state financing of county correctional services.
489	Change restrictions on organization and withdrawal of contributions relating to limited liability companies.
490	Adopt the Tax Equalization and Review Commission Act.
490A	Appropriation Bill.
536*	Define terms and provide for automatic teller machine safety.
626	Provide for confidentiality of documents of a compliance review committee.
642*	Provide for case reviews for children in foster care.
646*	Adopt the County Revenue Assistance Act and change provisions relating to indigent defense.
646A	Appropriation Bill.
647	Provide that both parents are liable for medical expenses of their minor child.
673	Adopt the Nebraska Nonprofit Corporation Act.
680	Create the State Model Plumbing Code Committee.
681	Provide for limited liability partnerships.
713	Provide for undercover license plates and undercover driver's licenses.
714	Change provisions relating to dealer number plates.
731*	Provide for voluntary self-evaluation and environmental audit reports.
733*	Eliminate a deadline for opting out of an educational service unit.
786	Permit educational service units to sell real estate.
787	Provide for use of interpreters upon the arrest of a hearing impaired person.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
LR	
3CA*	Constitutional amendment to establish the Tax Equalization and Review Commission.
4CA	Constitutional amendment to change provisions for final passage of legislation.

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
16*	Appoint delegates to the Conference of States to consider the system of checks and balances between states and national government.
22CA*	Constitutional amendment to change the number of signatures needed and the method of calculating the number for initiative and and referendum measures.

DAVID M. LANDIS

LB	
49*	Change limitations on property tax receipts.
96	Change provisions relating to transactions exempt from registration under the Securities Act of Nebraska.
97	Adopt uniform provisions relating to investment securities and secured transactions.
109*	Adopt the Business Corporation Act.
120*	State intent relating to energy resources and provide duties for public power utilities.
162	Change provisions relating to payments on surplus notes, annual financial statements, unauthorized insurers and agents.
163*	Change provisions of the Mortgage Bankers Registration and Licensing Act.
178*	Adopt the Interstate Insurance Receivership Compact.
228*	Provide an income tax credit.
242*	Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
258*	Provide powers and duties for the Game and Parks Commission relating to railroad rights-of-way and recreational trails.
295**	Allow a state income tax credit for child care.
330	Change provisions relating to child labor and children employed as performers in the performing arts.
339	Provide for delinquency charges on commercial or business installment contracts.
384*	Change provisions relating to banks and banking.
385	Adopt the Insurance Fraud Act.
471	Change provisions relating to sexual assault.
473	Provide requirements for preferred provider insurance policies and contracts.
515	Authorize purchase of insurance by associations.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
599	Change provisions relating to banking and finance.
615	Adopt the Nebraska Bank Holding Company Act of 1995.

616	Change provisions relating to the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.
631	Change provisions for the deposit of city funds for primary class cities.
642A*	Appropriation Bill.
689	Change provisions relating to dividends and distribution relating to insurance.
748	Adopt the Uniform Custodial Trust Act.
749	Provide for the issuance of new birth certificates in certain cases.
750*	Adopt the High-Level Nuclear Waste Liability Act.
763	Adopt the Uniform Anatomical Gift Act.
788***	Create the Medical Savings Account Act.
LR	
1CA	Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.
22CA*	Constitutional amendment to change the number of signatures needed and the method of calculating the number for initiative and and referendum measures.

JOHN LINDSAY

LB	
19*	Change the number of judges in the separate juvenile courts and in district court judicial districts.
40	Change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act.
84*	Change the number of judges in the separate juvenile courts.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
231	Change a liability provision for certain leased trucks.
232*	Create and provide duties for the Juvenile Criminal Code Revision Task Force.
233	Change provisions relating to the Jail Standards Board.
234	Change "good time" reductions in city or county jails.
235	Require development and implementation of a justice system impact statement by the Legislature.
261	Provide liability provisions for accountants.
262	Change provisions relating to liens of physicians, nurses, or hospitals.
269	Change the provisions of the offense of unauthorized use of a financial transaction device.
270	Change provisions relating to court filing fees.
271	Change the title of the Reporter of the Supreme Court.
273*	Change and eliminate provisions for transfers of juveniles between courts.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.

371A	Appropriation bill.
397	Provide for reverse mortgage loans.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
420	Change provisions relating to garnishment.
421	Change the jurisdictional age of individuals under the Nebraska Juvenile Code.
423*	Change provisions for appointment, powers, and duties of guardians and conservators.
425***	Create the Selective Enhancement for Economic Development Fund.
456	Change provisions relating to branch banking.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
474	Change provisions relating to genetic testing in paternity determinations.
475	Provide review procedures of district court rulings regarding life threatening medical emergencies of certain persons unable to make decisions.
492*	Define the practice and licensure requirements for medical nutrition therapy.
505*	Change provisions for the school employee retirement systems for Class V school districts.
511*	Prohibit campaign contributions during legislative sessions.
516	Terminate the Judicial Resources Commission.
548*	Adopt the Candidate Campaign Committee Income Tax Act.
596	Change the corporate tax rate for insurance companies subject to retaliatory taxes.
597	Provide duties for parents and guardians with respect to their minor children.
598	Change provisions relating to appeals from the county court.
603*	Provide additional election and nominating procedures for judicial nominating commissions.
614	Change provisions relating to installment loans and revolving charge agreements.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
632*	Change provisions relating to foreign corporations.
636*	Change provisions for allocation of funds for county roads.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.

830*	Adopt the Nebraska Redevelopment Act.
843*	Change provisions for payment standards for cash assistance relating to public assistance.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
865	Prohibit the underselling of competitors and provide penalties.
866	Appropriate funds to the Office of Juvenile Services for community-based programs for juveniles.
867	Authorize the temporary reassignment of separate juvenile court judges.
868	Change provisions relating to the costs of care, treatment, and support for certain juveniles.
869	Change provisions relating to pleadings and proof relating to grandparent visitation.
876	Provide for the issuance of free park entry permits to certain veterans.
877	Change the number of judges of the separate juvenile courts and county courts.
878	Change provisions relating to protection orders under the Protection From Domestic Abuse Act.
879	Prohibit the use of public funds to pay for abortions.
880	Establish the Division of Community Corrections within the Department of Correctional Services.
881	Transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services.
882*	Change provisions relating to banks with similar names.
883	Change provisions relating to appeals and costs.
884	Change the duties of the Attorney General relating to proceedings on appeal to the Court of Appeals or the Supreme Court.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
17CA*	Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
28*	Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.

DANIEL C. LYNCH

LB

30*	Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.
31*	Provide an income tax adjustment for federal government pensions.
32	Provide for licensure of midwives.

64*	Change provisions for membership applications to Nebraska veterans homes.
131	Change an operative date in LB 833, 1994, which modified the state administered retirement plans to conform with IRS requirements.
147*	Change the operative date for the Environmental Lead Hazard Control Act.
148*	Authorize schools to require criminal history information as a condition of employment.
148A	Appropriation Bill.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
163*	Change provisions of the Mortgage Bankers Registration and Licensing Act.
210*	Exempt certain molds, dies, and patterns from sales and use taxes.
241***	Change provisions for distribution of state aid to community colleges.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
287	Change the interest on delinquent sales tax.
288	Change recording requirements for instruments related to real property.
381*	Change provisions for the proceeds from the sale of surplus property and create the Nebraska State Patrol Vehicle Replacement Cash Fund.
381A	Appropriation Bill.
382*	Prohibit certain practices under the Industrial Relations Act.
388*	Provide a surcharge on certain defendants.
398	Require certain employees to pay for collective bargaining and contract enforcement.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
486*	Provide for state financing of county correctional services.
487*	Provide for state financing of county criminal prosecutions.
491	Change provisions relating to fees for interpreters in court.
517	Provide a preference for resident bidders of a political subdivision.
518	Change and eliminate provisions for suspension and revocation of driver's licenses.

530*	Change provisions relating to state buildings, grounds, and property.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
567*	Provide procedures for granting of utility easements on state-owned land.
568*	Provide for development and use of a state comprehensive capital facilities plan.
587*	State intent for appropriations for developmental disabilities services.
609*	Change provisions relating privately owned public use airports.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
642*	Provide for case reviews for children in foster care.
653	Provide requirements for contractors relating to public construction projects.
682*	Provide for a budget lid for educational service units.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
736	Increase the state deposit to a fund for the school retirement system.
799*	Create the Nebraska Cable Television Act.
800	Change provisions for the use of evidence in proceedings by the Commission on Industrial Relations.

LR

33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
44CA*	Constitutional amendment to authorize recovery of certain personnel costs incurred in the prosecution of violations resulting in collection of fines.

GERALD E. MATZKE

LB

99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
100*	Provide an exemption from allotment limits for irrigation.
122	Provide for payments to school districts by county treasurers.
123*	Change provisions relating to substitute teachers and temporary certificates.
144***	Adopt the Partnerships for Economic Development Act.
185*	Authorize the suspension of driving privileges for certain juveniles.
203	Provide for acceptance of and assent to amendments of a federal act relating to medical assistance.

204	Exclude certain persons from eligibility for medical assistance.
247*	Redefine "domestic use of ground water" to include aquaculture facility fish.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
272	Change provisions for the allowance and computation of and claims for tax credits under the Employment Expansion and Investment Incentive Act.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
350	Change provisions relating to proceedings by the Department of Water Resources.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
407*	Change provisions for oil and gas drilling permit fees.
425***	Create the Selective Enhancement for Economic Development Fund.
439*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
440*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
447*	Change provisions for highway construction contract proposal forms.
455***	Change provisions relating to public assistance.
481	Adopt updated federal Motor Carrier Safety Regulations.
487*	Provide for state financing of county criminal prosecutions.
604*	Change provisions for affiliation of and transfer of property between school districts.
637*	Create the Emergency Medical Services Providers Fund.
642A*	Appropriation Bill.
694*	Adopt the Design Professions Regulation Act.
712*	Provide for notice to the biological father relating to adoption of a child born out of wedlock.
712A	Appropriation Bill.
716*	Change provisions relating to educational lands.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
28*	Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.

DAVID I. MAURSTAD

LB	
42	Change provisions relating to disposal of yard waste and abatement of nuisances.
73	Provide for purchases without competitive bidding for cities and villages.
115*	Authorize a local income tax for school districts and affiliated districts.
193	Change provisions for planning commission members and alternate members.
194	Change fiscal year and election of officials in certain cities and villages.
195*	Change provisions for elections and terms of village board members.
196	Change consent requirements for grading for street improvements for first class cities and second class cities and villages.
197	Change provisions for the sale and purchase of property by second class cities and villages.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
418*	Change provisions for publication costs of legal notices.
425***	Create the Selective Enhancement for Economic Development Fund.
476*	Change provisions for membership on the planning commission of cities and villages.
484*	Change reimbursement provisions relating to petroleum release remedial actions.
572*	Prohibit examinations of housing authorities by the Auditor of Public Accounts.
642*	Provide for case reviews for children in foster care.
664	Provide for school bond state aid.
665	Change provisions relating to public works contracts and bids for first class cities and second class cities and villages.
666	Redefine "infrastructure project" and change funding provisions.
696*	Provide for message license plates for farm trucks.
699*	Change form and record requirements for employment agencies.
731*	Provide for voluntary self-evaluation and environmental audit reports.
801*	Change income amounts relating to homestead exemptions.
826	Eliminate certain prohibitions on zoning regulations and health and safety regulations for manufactured homes.

828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
848*	Adopt the Private Natural Gas Company Act.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
858	Require the filing of a community benefit report by certain hospitals.
863*	Change provisions relating to liability for vehicular pursuit.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
39CA	Constitutional amendment to specify the sources of payment for bonds issued by cities for redeveloping blighted property.
46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

JANIS MCKENZIE

LB

99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
115*	Authorize a local income tax for school districts and affiliated districts.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
146*	Provide for a specialized telecommunications equipment program for hearing-impaired or speech-impaired persons.
146A	Appropriation Bill.
147*	Change the operative date for the Environmental Lead Hazard Control Act.

161*	Change notice requirements relating to change of name.
168*	Change notice provisions for public hearings on administrative rules and regulations.
211*	Change provisions for distribution of funds from the Ethanol Production Incentive Cash Fund.
229*	Eliminate fees for small capacity water wells.
241***	Change provisions for distribution of state aid to community colleges.
251	Provide for certain transfers of ground water.
252*	Eliminate the statute of limitations on the offense of sexual assault of a child.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
289	Create the Biopower Steering Committee and provide for a study of use of biomass fuel for electricity production.
360*	Change a requirement for listing school districts and counties by taxpayers.
373*	Include students of pharmacy, dentistry, and physical and occupational therapy in the loan program under the Rural Health Systems and Professional Incentive Act.
376	Provide an exemption from the numbering requirement for motorboats.
377	Provide an excise tax on corn and grain sorghum and change ethanol production credits.
377A	Appropriation Bill.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
437	Change provisions for equalization aid for option students.
455***	Change provisions relating to public assistance.
492*	Define the practice and licensure requirements for medical nutrition therapy.
613***	Change property tax limitations for political subdivisions.
629	Provide duties for municipalities relating to certain solid waste collection services.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
733*	Eliminate a deadline for opting out of an educational service unit.
739*	Change provisions relating to state policies concerning families.
740	Change certification requirements for teachers.
741	Change provisions relating to equalization aid for option students.
742**	Change reimbursement provisions for special education programs.
742A	Appropriation Bill.

789*	Provide that certain records relating to job applicants considered for employment by the state are not public matters.
818*	Adopt the Charter Schools Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

DWITE A. PEDERSEN

LB

19*	Change the number of judges in the separate juvenile courts and in district court judicial districts.
25*	Ensure full access to comprehensive mental health, alcoholism and drug abuse services for hearing-impaired persons.
71	Restrict court action relating to persons under eighteen years of age unless an adult is present.
72	Change provisions for the employment of minors as servers and sellers of alcoholic liquor.
76*	Allow state chartered credit unions equal powers as federal credit unions.
82*	Redefine "farm truck" relating to motor vehicle registration.
130*	Change retirement benefit provisions for school employees.
141*	Change and provide penalties for the sale of tobacco and tobacco products to minors.
146*	Provide for a specialized telecommunications equipment program for hearing-impaired or speech-impaired persons.
189*	Change salaries of judges, number of district court judges, and filling judicial vacancies.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.

266*	Authorize certain contracts for the operation of places of correctional confinement.
273*	Change and eliminate provisions for transfers of juveniles between courts.
275	Change provisions relating to compulsive disorders.
275A	Appropriation Bill.
276	Provide for an additional category of incentive recipients under the Employment and Investment Growth Act.
286*	Change voter approval provisions for capital construction projects.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
505*	Change provisions for the school employee retirement systems for Class V school districts.
575	Change provisions relating to planning boards for metropolitan class cities.
613***	Change property tax limitations for political subdivisions.
643*	Change provisions relating to school, learner's, and farm permits.
645*	Create the Sex Offender Registration Act.
723	Change the method for determination of the employee contribution under the school employees retirement plan.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
766*	Change provisions relating to driving under the influence and "zero tolerance."
863*	Change provisions relating to liability for vehicular pursuit.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

CAROL MCBRIDE PIRSCH

LB

69*	Change provisions relating to election commissioners and chief deputy election commissioners.
74	Provide for a parole supervision fee to be paid by parolees.
75	Change review procedures for release of a committed offender.

76*	Allow state chartered credit unions equal powers as federal credit unions.
77	Change conditions which disqualify temporary help employees from receiving employment security benefits.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
415	Adopt the Credit Union Act.
425***	Create the Selective Enhancement for Economic Development Fund.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
505*	Change provisions for the school employee retirement systems for Class V school districts.
642A*	Appropriation Bill.
645*	Create the Sex Offender Registration Act.
657	Change provisions relating to notification of crime victims and witnesses.
658	Change provisions of the Student Discipline Act.
658A	Appropriation Bill.
659	Redefine "health clinic."
660	Create the offense of armed carjacking and change the penalty for unauthorized use of a propelled vehicle.
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
682*	Provide for a budget lid for educational service units.
730*	Create the Sexual Offender Registration and Community Notification Act.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
755*	Change provisions for appeals in capital punishment cases.
760*	Change provisions for tax levy limitations by educational service units.
766*	Change provisions relating to driving under the influence and "zero tolerance."
801*	Change income amounts relating to homestead exemptions.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

850*	Change provisions relating to actions for restitution under the Landlord and Tenant Act.
863*	Change provisions relating to liability for vehicular pursuit.

LR

6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
20CA*	Constitutional amendment to change requirements for granting paroles.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

DONALD G. PREISTER

LB

64*	Change provisions for membership applications to Nebraska veterans homes.
87*	Eliminate provisions relating to the presence and extermination of prairie dogs.
102*	Provide the Nebraska State Insurance Program is available to legal residents of the state.
103***	Change provisions for acquisition, cleanup costs and ownership requirements of radioactive waste sites and materials.
104*	Change provisions for limitations on civil procedure actions relating to the design, construction, or assembly of radioactive waste facilities.
120*	State intent relating to energy resources and provide duties for public power utilities.
121*	Prohibit smoking in state buildings and vehicles.
140	Change notice provisions for public hearings relating to community redevelopment plans.
141*	Change and provide penalties for the sale of tobacco and tobacco products to minors.
150*	Lower the prohibited concentration of alcohol for DWI conviction.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
189*	Change salaries of judges, number of district court judges, and filling judicial vacancies.
239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.

285*	Change provisions relating to county attorneys.
298*	Redefine "household income" relating to homestead exemption.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
340*	Provide for litter removal programs administered by the Game and Parks Commission.
365*	Provide for special master proceedings in certain labor disputes.
382*	Prohibit certain practices under the Industrial Relations Act.
388*	Provide a surcharge on certain defendants.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
457	Change provisions relating to licenses for sale of tobacco and tobacco products.
505*	Change provisions for the school employee retirement systems for Class V school districts.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
642A*	Appropriation Bill.
645*	Create the Sex Offender Registration Act.
730*	Create the Sexual Offender Registration and Community Notification Act.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
738*	Provide for denial or limitation of certain requests by utilities.
750*	Adopt the High-Level Nuclear Waste Liability Act.
756*	Change provisions for the board of directors of fire protection districts.
757*	Change election and meeting provisions for the board of directors of fire protection districts.
769*	Provide for substance abuse treatment as a condition of driver's license reinstatement.
781*	Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
782*	Change provisions relating to rate filing notices under the Municipal Natural Gas Regulation Act.
783*	Change provisions relating to the rate filing hearing under the Municipal Natural Gas Regulation Act.
801*	Change income amounts relating to homestead exemptions.
807*	Provide for recall of directors of rural or suburban fire protection districts.

828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.

JENNIE ROBAK

LB	
31*	Provide an income tax adjustment for federal government pensions.
64*	Change provisions for membership applications to Nebraska veterans homes.
112*	Change provisions relating to rural highway signs.
132*	Provide penalties for speeding, failure to yield, and passing in a school crossing zone.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
147*	Change the operative date for the Environmental Lead Hazard Control Act.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
160*	Change provisions for expenses of board members of reclamation districts.
170*	Eliminate provisions for a common levy for Class VI school systems.
191	Authorize delinquency charges on payments in default for revolving charge agreements.
192	Change provisions for commencement and settlement of a wrongful death action.
241***	Change provisions for distribution of state aid to community colleges.
246*	Change enforcement and penalty provisions for motorcycle helmets.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
284	Prohibit passengers in the cargo area or on the tailgate of certain vehicles.
341	Eliminate certain provisions relating to budgetary limitations for political subdivisions.
342	Permit certain cities and villages to establish local regulations for swimming pools.
349*	Change provisions of the Tax Equity and Educational Opportunities Support Act.
383*	Authorize the purchases of vehicles and equipment for the intercity bus systems.
425***	Create the Selective Enhancement for Economic Development Fund.
477*	Change provisions for releases of mortgages and reconveyances for trust deeds.

483*	Change provisions relating to a homestead exemption.
510*	Change provisions for temporary custody and detention or placement of juveniles.
556	Provide for district public libraries.
590*	Provide for public libraries and public library federations.
591	Eliminate provisions relating to interim rates under the Municipal Natural Gas Regulation Act.
641*	Change provisions relating to bad checks.
642A*	Appropriation Bill.
655	Change provisions relating to notice of injury relating to workers' compensation.
656	Create the Juvenile Division in the Office of the Attorney General and provide for investigation of the death of a child.
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
730*	Create the Sexual Offender Registration and Community Notification Act.
747	Provide rights for persons with chronic mental illness and developmental and physical disabilities.
752*	Adopt the Rehabilitation and Support Mental Health Services Incentive Act.
775*	Create the Sexually Violent Predator Act.
812*	Change provisions relating to tobacco products and minors.
845*	Change provisions relating to audits for school districts.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
LR	
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

C. N. "BUD" ROBINSON

LB	
121*	Prohibit smoking in state buildings and vehicles.
144***	Adopt the Partnerships for Economic Development Act.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
185*	Authorize the suspension of driving privileges for certain juveniles.
186*	Change provisions relating to dummy axles.

205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
266*	Authorize certain contracts for the operation of places of correctional confinement.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
324*	Provide an exception for housing authorities from the Nebraska Budget Act.
328*	Permit certain nonprofit organizations to apply for a license to sell pickle cards.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
447*	Change provisions for highway construction contract proposal forms.
451*	Provide for licensure standards for Native American foster homes.
476*	Change provisions for membership on the planning commission of cities and villages.
511*	Prohibit campaign contributions during legislative sessions.
522	Provide an exception relating to excavation and the one-call notification system.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
567*	Provide procedures for granting of utility easements on state-owned land.
568*	Provide for development and use of a state comprehensive capital facilities plan.
577*	Provide for building levies for affiliated school systems.
590*	Provide for public libraries and public library federations.
605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
621*	Change provisions for pilot programs relating to early childhood programs.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
682*	Provide for a budget lid for educational service units.
733*	Eliminate a deadline for opting out of an educational service unit.
738*	Provide for denial or limitation of certain requests by utilities.
755*	Change provisions for appeals in capital punishment cases.

760*	Change provisions for tax levy limitations by educational service units.
761*	Permit contracts and fees for services for educational service units.
789*	Provide that certain records relating to job applicants considered for employment by the state are not public matters.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
807*	Provide for recall of directors of rural or suburban fire protection districts.
820*	Change provisions relating to oaths of office.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
873*	Change provisions for refunds of registration fees and property taxes on motor vehicles.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.

STAN SCHELLPEPER

LB	
44*	Provide waiver of coverage relating to workers' compensation.
45	Exempt personal property other than motor vehicles from property taxation.
68*	Change provisions relating to breast and cervical cancer.

81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
82*	Redefine "farm truck" relating to motor vehicle registration.
102*	Provide the Nebraska State Insurance Program is available to legal residents of the state.
106*	Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
107*	Adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act.
144***	Adopt the Partnerships for Economic Development Act.
205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
213*	Change provisions for flashing or rotating lights on emergency vehicles.
214*	Allow additional health care providers to give physical exams and immunization statements relating to student health.
246*	Change enforcement and penalty provisions for motorcycle helmets.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
267*	Exempt personal property of certain cooperatives and nonprofit corporations from taxation.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
315	Change provisions for the modification and revocation of orders for alimony.
316	Authorize use of federal funds for electricity suppliers in rural areas.
317	Change provisions relating to public power districts.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
357*	Provide a reporting system for entities involved in farm and ranch operations.
374	Require counties, municipalities, and agencies hold public hearings before entering into a contract with a person to provide a solid waste system.
375	Provide procedures for drawing legislative and congressional district boundaries.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
429*	Create the Clean Air Title V Cash Fund.
430*	Provide sales and use tax exemptions for molds and dies and materials used in manufacturing steel or cement.

484*	Change reimbursement provisions relating to petroleum release remedial actions.
503*	Adopt the Small Business Investment Tax Credit Act.
533*	Change provisions relating to taxation of motor vehicles.
534	Permit certain landowners to apply for compensation due to a decline in property value as a result of a landfill.
535	Change provisions relating to the tax credit delivery invoice for gasoline.
577*	Provide for building levies for affiliated school systems.
590*	Provide for public libraries and public library federations.
630*	State legislative intent relating to the funding of public education.
637*	Create the Emergency Medical Services Providers Fund.
642*	Provide for case reviews for children in foster care.
671*	Provide for the renewal or revival of county agricultural societies.
678*	Change provisions relating to unlawful possession of a firearm on school grounds.
682*	Provide for a budget lid for educational service units.
767*	Change provisions relating to simulcast licenses for horseracing.
768	Change provisions relating to licenses issued by the State Electrical Division.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
863*	Change provisions relating to liability for vehicular pursuit.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

DIANNA R. SCHIMEK

LB

31*	Provide an income tax adjustment for federal government pensions.

46	Change restrictions on public officials and employees under the Nebraska Political Accountability and Disclosure Act.
47	Change provisions for entrance into the beginner grade in school.
48	Change the maximum amount for change cash funds for the Game and Parks Commission.
68*	Change provisions relating to breast and cervical cancer.
68A	Appropriation Bill.
83*	Provide for regulation of electrology.
138*	Increase the number of district judges in the third judicial district.
144***	Adopt the Partnerships for Economic Development Act.
152	Eliminate a requirement that voter registration cards be inserted in income tax booklets.
153	Change fees relating to marriage licenses, tax deeds, and redemption receipts.
154	Allow certain counties to use an alternate accounting system.
212*	Change provisions for consolidation of counties and county offices and the joint exercise of powers.
239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.
277**	Adopt the New Jobs Training Act and provide for an income tax credit.
303*	Change provisions relating to judicial nominating commissions.
333	Change provisions relating to accountants.
333A	Appropriation Bill.
335*	Provide for braille instruction for blind students.
336	Change provisions for the central register of child protection cases.
337*	Change and provide procedures for circulating and verifying initiative and referendum petitions.
337A	Appropriation Bill.
364*	Change petition and election procedures under the Local Option Tax Control Act.
365*	Provide for special master proceedings in certain labor disputes.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
460	Change provisions relating to mammography screening and diagnostic procedures.
460A	Appropriation Bill.
511*	Prohibit campaign contributions during legislative sessions.
514	Provide for confidentiality of voter registration records.

523	Authorize schools to require criminal history information as a condition of employment.
532*	Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
542*	Change provisions relating to impact aid and education.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
566*	Change provisions relating to multiple officeholding and change qualifications for membership on the State Board of Education.
612*	Create the rehabilitation advisory council to the Department of Public Institutions.
694*	Adopt the Design Professions Regulation Act.
717	Adopt the Municipal Purpose Act.
738*	Provide for denial or limitation of certain requests by utilities.
739*	Change provisions relating to state policies concerning families.
750*	Adopt the High-Level Nuclear Waste Liability Act.
775*	Create the Sexually Violent Predator Act.
781*	Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
782*	Change provisions relating to rate filing notices under the Municipal Natural Gas Regulation Act.
783*	Change provisions relating to the rate filing hearing under the Municipal Natural Gas Regulation Act.
825	Change provisions relating to appeals for a certificate of need.

LR

17CA*	Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
22CA*	Constitutional amendment to change the number of signatures needed and the method of calculating the number for initiative and and referendum measures.
23CA	Constitutional amendment to require initiative measures to contain only one subject.
33CA*	Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
48*	Urge Congress to continue support of educational and public telecommunications.

JERRY SCHMITT

LB

59	Change provisions for the use of motor vehicle signals and lights.
60	Change provisions relating to lifetime hunting and fishing license fees.

61	Change duties of the Auditor of Public Accounts for audits of certain city or county airport authorities.
62	Appropriate funds for Nebraska State Patrol safety education/crime prevention officers.
63	Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.
64*	Change provisions for membership applications to Nebraska veterans homes.
88*	Exempt irrigation districts from the Nebraska Budget Act.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
155	Change a penalty for driving on a suspended, revoked, or impounded driver's license.
160*	Change provisions for expenses of board members of reclamation districts.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
170*	Eliminate provisions for a common levy for Class VI school systems.
185*	Authorize the suspension of driving privileges for certain juveniles.
229*	Eliminate fees for small capacity water wells.
239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.
246*	Change enforcement and penalty provisions for motorcycle helmets.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
308*	Prohibit ticket quota requirements for law enforcement.
346*	Authorize hearings for disciplinary actions and removal of police officers in second class cities and villages.
347*	Provide powers and duties for cities and villages relating to cable utility system ownership.
381*	Change provisions for the proceeds from the sale of surplus property and create the Nebraska State Patrol Vehicle Replacement Cash Fund.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.

425***	Create the Selective Enhancement for Economic Development Fund.
426	Provide for a driver safety course as an alternative to a conviction for a traffic infraction.
493*	Allow federal law enforcement officers powers of arrest for state felonies.
587*	State intent for appropriations for developmental disabilities services.
606*	Eliminate the Local Option Revenue Act.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
649*	Adopt the County Initiative and Referendum Act.
672*	Redefine "actual value of real property" for taxation purposes.
682*	Provide for a budget lid for educational service units.
760*	Change provisions for tax levy limitations by educational service units.
775*	Create the Sexually Violent Predator Act.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
LR	
6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
12CA	Constitutional amendment to provide for the election of judges of the county and district courts.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.

EDWARD J. SCHROCK

LB	
30*	Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
100*	Provide an exemption from allotment limits for irrigation.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168*	Change notice provisions for public hearings on administrative rules and regulations.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
324*	Provide an exception for housing authorities from the Nebraska Budget Act.
356*	Change provisions for registration, inspections, and disciplinary actions under the Nebraska Soil and Plant Analysis Laboratory Act.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
482*	Change provisions for publication and distribution of proposed constitutional amendments.
487*	Provide for state financing of county criminal prosecutions.
496*	Adopt the Parkinson's Disease Registry Act.
557*	Repeal the Interstate Compact on Agricultural Grain Marketing.
572*	Prohibit examinations of housing authorities by the Auditor of Public Accounts.
604*	Change provisions for affiliation of and transfer of property between school districts.
605*	Exempt custom harvesting equipment from personal property tax.
606*	Eliminate the Local Option Revenue Act.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
630*	State legislative intent relating to the funding of public education.
648*	Change provisions relating to sales and use taxes, income taxes, property taxes, and aid to education.
696*	Provide for message license plates for farm trucks.

755*	Change provisions for appeals in capital punishment cases.
766*	Change provisions relating to driving under the influence and "zero tolerance."
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
833*	Change the income tax rate and the sales tax rate.
848*	Adopt the Private Natural Gas Company Act.
853*	Provide for a sales tax on food and establish procedures for a sales tax credit.
860*	Provide for funding of access to statewide public computer information.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.

LR

6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
17CA*	Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
51*	Urge Nebraska's congressional delegation to consider the benefits of Amtrak if federal transportation dollars are cut.

ELAINE STUHR

LB

68*	Change provisions relating to breast and cervical cancer.
144***	Adopt the Partnerships for Economic Development Act.
145*	Change provisions relating to water wells and replacement water wells.
149*	Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
177*	Change provisions for appeals and costs relating to eminent domain.
229*	Eliminate fees for small capacity water wells.

241***	Change provisions for distribution of state aid to community colleges.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
305*	Require visitation and consultation by a guardian ad litem.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
425***	Create the Selective Enhancement for Economic Development Fund.
445	Change provisions relating to the applicable allow growth rate for schools.
605*	Exempt custom harvesting equipment from personal property tax.
630*	State legislative intent relating to the funding of public education.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

FLOYD P. VRTISKA

LB

41	Allow state chartered savings and loan association equal powers as federal associations.
66*	Eliminate the Local Option Revenue Act and change the sales and use tax rate.
106*	Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
107*	Adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act.
111*	Provide for blood specimen certificates relating to driving or boating under the influence of alcohol or a controlled substance.
113*	Adopt the Alcoholic Liquor to Minors Responsibility Act.
121*	Prohibit smoking in state buildings and vehicles.
123*	Change provisions relating to substitute teachers and temporary certificates.
139*	Exempt personal property other than motor vehicles from taxation.
144***	Adopt the Partnerships for Economic Development Act.
144A	Appropriation Bill.
150*	Lower the prohibited concentration of alcohol for DWI conviction.

151*	Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
165*	Change provisions for the disclosure of certain information for children who are in the custody of the state or under court supervision.
168*	Change notice provisions for public hearings on administrative rules and regulations.
179	Provide for a blanket surety bond for county officers.
195*	Change provisions for elections and terms of village board members.
201*	Change provisions for penalties, license suspension or revocation for driving under the influence.
202*	Change provisions for tax certificates and deeds relating to tax sales and marriage license fees.
205*	Change the auditing requirements of fire protection districts.
206*	Change licensure requirements for certain emergency medical service personnel.
239*	Change provisions for administrative appeal relating to employment security.
240*	Change provisions relating to unemployment compensation.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
291	Change a provision for disqualification for employment security benefits due to misconduct.
292	Provide for imprest funds for counties.
298*	Redefine "household income" relating to homestead exemption.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
305*	Require visitation and consultation by a guardian ad litem.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
410*	Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.
425***	Create the Selective Enhancement for Economic Development Fund.

439*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
440*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
441*	Change provisions for payment for care for patients at the Beatrice State Developmental Center.
495*	Provide for human services regions.
508*	Require the Executive Board of the Legislature to adopt policies for the payment of per diem expenses.
530*	Change provisions relating to state buildings, grounds, and property.
565*	Authorize use of risk management pools for medical assistance for the poor.
567*	Provide procedures for granting of utility easements on state-owned land.
568*	Provide for development and use of a state comprehensive capital facilities plan.
621*	Change provisions for pilot programs relating to early childhood programs.
641*	Change provisions relating to bad checks.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
646*	Adopt the County Revenue Assistance Act and change provisions relating to indigent defense.
671*	Provide for the renewal or revival of county agricultural societies.
672*	Redefine "actual value of real property" for taxation purposes.
750*	Adopt the High-Level Nuclear Waste Liability Act.
785	Change provisions relating to substitute teachers.
863*	Change provisions relating to liability for vehicular pursuit.
870*	Provide funding for ethanol tax credits from the General Fund.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

JEROME WARNER

LB

26	Define "subsidiary" relating to financial institution taxes.

27	Change provisions relating to public agency powers and contractual authority under the Interlocal Cooperation Act.
28	Require disclosure of campaign contributions by certain lottery vendors.
29**	Create the Student Loan Default Fee Revolving Fund.
33	Change the percentage amount of certain fees credited to the General Fund.
136A	Appropriation Bill.
180	Provide requirements for contracts between a private entity and any state agency.
181	Change the prohibition date for land disposal of yard waste.
182	Change provisions regulating the taxation of fuels and corporations.
182A	Appropriation Bill.
183	Authorize a tax exempt use of diesel fuel.
184	Adopt the Compressed Fuel Tax Act and change provisions for taxation of motor fuels.
211*	Change provisions for distribution of funds from the Ethanol Production Incentive Cash Fund.
241***	Change provisions for distribution of state aid to community colleges.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
268	Change the date for certifying a tax levy for community colleges.
294	Provide an excise tax on corn and grain sorghum.
298*	Redefine "household income" relating to homestead exemption.
298A	Appropriation Bill.
299	Change the income tax and sales and use tax rates.
325**	Create the Accounting Division Revolving Fund in the Department of Administrative Services.
325A	Appropriation Bill.
326	Provide for job training grants and provide powers and duties for the Department of Economic Development.
326A	Appropriation Bill.
327	Change provisions for the fuel tax rates.
337*	Change and provide procedures for circulating and verifying initiative and referendum petitions.
380	Provide the Revisor of Statutes review proposed initiative and referendum petitions.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
458**	Limit recovery for claims under the State Tort Claims Act.
499**	Change provisions relating to homestead exemptions.

531	Change provisions for copayment and coverage requirements for long-term maintenance drugs under medical benefit contracts.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
559***	Change calculations related to a sales factor for income tax purposes.
608	Change a voting requirement for the city council in cities of the primary class in planning issues.
642*	Provide for case reviews for children in foster care.
642A*	Appropriation Bill.
693	Change a date for a governmental transfer relating to hospital authorities.
693A	Change provisions relating to implementing a managed care system.
694*	Adopt the Design Professions Regulation Act.
743	Extend certain intergovernmental transfers and the Health Care Income Provider Tax.
744	Provide for sales and use taxation of certain services.
745	Provide for a sales tax on food.
790	Create the School Aid Fund.
791	Require a listing of property not subject to property tax.
792	Change a provision relating to property tax exemptions.
831	Exempt certain nonresidents from holding a driver's license.
863*	Change provisions relating to liability for vehicular pursuit.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
886***	Merge the Equal Opportunity Commission into the Department of Labor.

LR

22CA*	Constitutional amendment to change the number of signatures needed and the method of calculating the number for initiative and and referendum measures.
30CA*	Constitutional amendment to provide property of the state and its governmental subdivisions is exempt from taxation if used for public purposes.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

ROGER R. WEHRBEIN

LB

65*	Change provisions for the selection of presidential electors.
89*	Create the NEB*SAT Cash Fund.
89A	Appropriation Bill.

150*	Lower the prohibited concentration of alcohol for DWI conviction.
168*	Change notice provisions for public hearings on administrative rules and regulations.
198*	Change limited owner or lessee hunting permits and limitation.
199	Provide additional duties for the Accounting Administrator within the Department of Administrative Services with respect to preaudits.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
281	Appropriate funds for state government expenses.
282	Provide an excise tax on wheat, corn, and grain sorghum.
283	Prohibit acts relating to police animals.
311	Allow use of the Imprest Payroll Fund to pay the federal share of retirement accounts for terminating employees.
331**	Provide a deficit appropriation to the Department of Administrative Services.
367*	Provide a cause of action for disparagement of a perishable agricultural food product or commodity.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
434	Authorize a private sector state soybean board.
530*	Change provisions relating to state buildings, grounds, and property.
557*	Repeal the Interstate Compact on Agricultural Grain Marketing.
558	Require mobile home park owners to provide a storm shelter.
565*	Authorize use of risk management pools for medical assistance for the poor.
567*	Provide procedures for granting of utility easements on state-owned land.
568*	Provide for development and use of a state comprehensive capital facilities plan.
604*	Change provisions for affiliation of and transfer of property between school districts.
642*	Provide for case reviews for children in foster care.
719	Change the boundary line between Missouri and Nebraska.
720	Authorize the construction of a medium-minimum security adult correctional facility.
721	Change provisions relating to judges' salaries.
722	Delete obsolete provisions relating to the Cash Reserve Fund.
726**	Eliminate duties of the Department of Public Institutions relating to developmental disabilities services.

811*	Provide for use of the Nebraska Right to Farm Act in court actions.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
855*	Provide duties for state agencies and political subdivisions relating to protection of the environment.
860A	Appropriation Bill.
889**	Provide deficit appropriation to the Department of Administrative Services.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.
31CA*	Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
48*	Urge Congress to continue support of educational and public telecommunications.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

DON WESELY

LB

85	Redefine "severe injury" relating to dangerous dogs.
86	Change provisions for fund disbursements under the Political Subdivisions Self-Funding Benefits Act.
138*	Increase the number of district judges in the third judicial district.
144***	Adopt the Partnerships for Economic Development Act.
172*	Change provisions relating to the lien of a physician, nurse, or hospital.
173	Change provisions for qualification for licensure and persons excepted from the practice of podiatry.
173A	Appropriation Bill.
174	Change provisions for membership on the State Board of Health.
174A	Appropriation Bill.
175	Change provisions for writs of restitution and notice requirements for personal property disposal for landlords and tenants.
214*	Allow additional health care providers to give physical exams and immunization statements relating to student health.

399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
401*	Change provisions relating to child care.
401A	Appropriation Bill.
405	Change provisions for the education, training, and testing of persons operating x-ray systems.
405A	Appropriation Bill.
406A	Appropriation Bill.
416	Change the membership of the veterans homes Board of Inquiry and Review.
422	Change provisions for working hours for children under sixteen.
425***	Create the Selective Enhancement for Economic Development Fund.
440*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
441*	Change provisions for payment for care for patients at the Beatrice State Developmental Center.
455***	Change provisions relating to public assistance.
519*	Void certain contingent fee contracts and provide requirements for contracts for personal services.
542*	Change provisions relating to impact aid and education.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
546*	Eliminate the offense of unlawful possession of a revolver and create the offense of illegal possession of a firearm.
607	Change provisions for due process hearings for terminated school employees.
635	Adopt the Nebraska Health Resource Commission Act.
635A	Appropriation Bill.
636*	Change provisions for allocation of funds for county roads.
637*	Create the Emergency Medical Services Providers Fund.
650	Appropriate funds for exhibit renovation at Morrill Hall at the University of Nebraska-Lincoln.
703**	Change provisions relating to preadmission screenings of nursing facility applicants by the Department on Aging.
704	Change provisions for boards of examiners, clinical laboratories, and liens.
712*	Provide for notice to the biological father relating to adoption of a child born out of wedlock.
752*	Adopt the Rehabilitation and Support Mental Health Services Incentive Act.
769*	Provide for substance abuse treatment as a condition of driver's license reinstatement.
770*	Change the rate of taxation on alcoholic liquor.

775*	Create the Sexually Violent Predator Act.
776	Provide registration requirements for sex offenders.
777	Change and provide duties for the Department of Social Services and law enforcement agencies relating to child abuse and neglect investigations.
778*	Provide duties for the Department of Public Institutions, Department of Social Services, mental health centers and the State Patrol regarding handgun certificates.
779	Create the offense of unlawful possession of a firearm on public grounds.
793	Adopt the Foreign and Domestic Trade Assistance Act.
794	Change incentive limitations under the Employment and Investment Growth Act.
795	Require a positive net fiscal return to the state under the Employment and Investment Growth Act.
796	Adopt the Affordable Housing Trust Fund Act.
834	Change eligibility provisions for medicaid.
835	Require students at institutions of postsecondary education to participate in health insurance programs.
836	Adopt the Employee Retirement Income Security Act (ERISA) Reform Act.
837	Change small employer health insurance and health care purchasing pool provisions.
838	Adopt the Health Care Purchasing Pool Act.
839	Adopt the Nebraska Health Care Efficiency and Improvement Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
846	Change applicability of the Small Employer Health Insurance Availability Act.

LR

28*	Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.
38CA*	Constitutional amendment to change the date on which the Legislature convenes in regular ninety-day sessions.
52*	Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
81*	Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.

BOB WICKERSHAM

LB

43	Add, change, and eliminate provisions relating to civil defense.
44*	Provide waiver of coverage relating to workers' compensation.

64*	Change provisions for membership applications to Nebraska veterans homes.
66*	Eliminate the Local Option Revenue Act and change the sales and use tax rate.
67	Change the powers and duties of the Attorney General.
68*	Change provisions relating to breast and cervical cancer.
81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
82*	Redefine "farm truck" relating to motor vehicle registration.
99*	Provide that certain districts and canal companies hold water appropriations for the benefit of certain landowners and authorize transfers.
100*	Provide an exemption from allotment limits for irrigation.
130*	Change retirement benefit provisions for school employees.
130A	Appropriation Bill.
144***	Adopt the Partnerships for Economic Development Act.
170*	Eliminate provisions for a common levy for Class VI school systems.
212*	Change provisions for consolidation of counties and county offices and the joint exercise of powers.
228*	Provide an income tax credit.
229*	Eliminate fees for small capacity water wells.
241***	Change provisions for distribution of state aid to community colleges.
246*	Change enforcement and penalty provisions for motorcycle helmets.
258*	Provide powers and duties for the Game and Parks Commission relating to railroad rights-of-way and recreational trails.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
309	Change provisions relating to irrigation and low-hazard dams.
348*	Provide an exemption from civil liability and for posting of warning signs for equine activities.
369A	Appropriation Bill.
370	Change provisions for membership, termination benefits, and retirement eligibility age for state and county employees.
378	Change provisions for employee contributions under the state employees retirement plan.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.

425***	Create the Selective Enhancement for Economic Development Fund.
503*	Adopt the Small Business Investment Tax Credit Act.
525*	Change the membership of the Nebraska Retirement Systems Committee.
526	Change provisions relating to income tax allocation under the Tax Equity and Educational Opportunities Support Act.
527	Provide access to certain statements relating to recording title to real estate.
528	Change provisions relating to duties of the Nebraska Investment Council and the Public Employees Retirement Board.
529	Establish the Commission on the Reconfiguration of the Omaha Public School District.
542*	Change provisions relating to impact aid and education.
565*	Authorize use of risk management pools for medical assistance for the poor.
573	Change the configuration of legislative districts.
574	Change statutory references to the Internal Revenue Code.
604*	Change provisions for affiliation of and transfer of property between school districts.
606*	Eliminate the Local Option Revenue Act.
637*	Create the Emergency Medical Services Providers Fund.
674*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
675	Change and eliminate appeal procedures relating to valuation.
676	Establish the Retirement Incentive Plan and Staff Development Assistance for certain reorganized school districts.
700	Provide for maintaining the purchasing power of retirement benefits.
700A	Appropriation Bill.
701	Increase the retirement system contribution rate for members of the State Patrol.
701A	Appropriation Bill.
702	Change provisions relating to contributions for members of the judge's retirement system.
716*	Change provisions relating to educational lands.
756*	Change provisions for the board of directors of fire protection districts.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
840***	Change provisions for state aid for reorganized school districts.
844*	Create the Employees of Elected Constitutional Offices Supplemental Retirement Act.

847**	Provide administration of the Nebraska Investment Council and the Public Employees Retirement Board by the Department of Administrative Services.
870*	Provide funding for ethanol tax credits from the General Fund.
871*	Change provisions relating to instream appropriations, water wells, and ground water.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
48*	Urge Congress to continue support of educational and public telecommunications.
51*	Urge Nebraska's congressional delegation to consider the benefits of Amtrak if federal transportation dollars are cut.

ERIC J. WILL

LB	
19*	Change the number of judges in the separate juvenile courts and in district court judicial districts.
31*	Provide an income tax adjustment for federal government pensions.
84*	Change the number of judges in the separate juvenile courts.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
164	Establish a statute of limitations for civil actions based on childhood sexual abuse.
216*	Prohibit certain actions by employers based on use of lawful products by employees.
217*	Change the hours to sell or dispense alcoholic liquor.
218*	Authorize contracts for operation and management services for horseracing.
219*	Change provisions relating to driver's license reinstatement fees.
221*	Redefine employer to include newspaper carriers under worker's compensation.
224*	Eliminate the Nebraska Health Care Certificate of Need Act.
225*	Authorize the issuance of an employment driving permit during a period of administrative revocation.
228*	Provide an income tax credit.
246*	Change enforcement and penalty provisions for motorcycle helmets.
259	Change provisions relating to the destruction of predators.
260	Change provisions for prosecutions for sale of liquor to a minor.

278*	Provide an income tax credit for certain educational expenses.
279*	Change the tax offset provisions under the Comprehensive Health Insurance Pool Act.
300*	Change provisions for income tax calculations and insurance companies subject to retaliatory taxes.
335*	Provide for braille instruction for blind students.
361	Provide a rebuttable presumption for firefighters concerning death or disability as a result of cancer.
362	Provide an income tax deduction for certain educational expenses.
363	Provide an increase in fines for speeding in a construction zone.
371***	Change provisions relating to criminal law, criminal procedure, and incarceration.
379*	Exclude admission fees charged by nonprofit organizations from sales and use tax.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
414*	Change provisions relating to nurse practitioners.
446*	Change provisions relating to the Board of Parole.
472*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
504	Redefine "occupational disease" to include cumulative trauma relating to workers' compensation.
505*	Change provisions for the school employee retirement systems for Class V school districts.
588*	Authorize a civil action for damages resulting from a misrepresentation of age by a minor.
662	Change provisions relating to commencement of certain product liability actions.
663**	Change provisions for calculations for income tax rates.
687	Change and eliminate taxation provisions relating to bingo and other gambling.
688	Authorize the use of electronic pickle card dispensing devices.
711*	Require insurance coverage of certain infertility procedures and treatment.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
737	Change provisions for cooperative programs and contracting for instruction by school districts.
808	Provide for a homestead exemption for all homesteads.
817*	Eliminate restrictions on types of corporations and associations which may be licensed relating to horseracing.
851*	Adopt the Local Option Gaming Act.

LR

9CA**	Constitutional amendment to provide the Governor have authority to grant reprieves, pardons or commutations in capital cases.
45CA	Constitutional amendment to provide the Legislature may authorize any game of chance, lottery, or gift enterprise.
47CA***	Constitutional amendment to provide for appointment of the members of the State Board of Education and Commissioner of Education by the Governor.

KATE WITEK

LB

69*	Change provisions relating to election commissioners and chief deputy election commissioners.
70	Eliminate the Nebraska Schools Accountability Commission.
190	Provide requirements for opinion surveys.
248*	Change provisions relating to income tax and the sales factor used for unitary businesses.
255	Change provisions for licensure for foster family homes.
274*	Prohibit interference with a person engaged in hunting, trapping or fishing, and require trap identification.
312	Create the offense of carjacking and armed carjacking.
313	Create the offense of unauthorized entry into a propelled vehicle.
314	Remove the prohibition on inmates, parolees, and probationers being undercover agents.
332	Change the distribution of lottery proceeds.
399*	Provide loan restrictions and change a disclaimer requirement under the Political Accountability and Disclosure Act.
413*	Provide for rights and privileges of certain taxpayers.
561	Change the method of allocating election expenses.
602	Change the penalties for sexual assault of a child.
613***	Change property tax limitations for political subdivisions.
627	Provide the Department of Banking study and make recommendations for an electronic benefit system.
645*	Create the Sex Offender Registration Act.
727	Change the definition of murder in the second degree.
728	Require votes to elect leadership of the Legislature be public.
729	Change salary provisions for county comptrollers in certain counties.
730*	Create the Sexual Offender Registration and Community Notification Act.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.

746*	Change provisions relating to liability for and procedures of vehicular pursuit.
755*	Change provisions for appeals in capital punishment cases.
760*	Change provisions for tax levy limitations by educational service units.
798*	Eliminate the Commissions on Indian Affairs, Mexican-Americans and the Nebraska Commission on the Status of Women.
801*	Change income amounts relating to homestead exemptions.

LR

6CA*	Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
10CA	Constitutional amendment to provide legislative approval of gubernatorial appointments to vacated elected state offices.
11CA	Constitutional amendment to require ballots for election to indicate the political party affiliation for candidates for the Legislature.
19CA	Constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.
21CA*	Constitutional amendment to prescribe that crime victims shall have certain rights.

RON WITHEM

LB

117	Change provisions for the number of county commissioners in certain counties.
118	Change a penalty provision for failure to file sales and use tax returns.
119	Redefine "broker-dealer" under the Securities Act of Nebraska.
144***	Adopt the Partnerships for Economic Development Act.
159*	Change provisions for the loaning of textbooks by school districts to private schools.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
188	Change provisions for pawnbrokers and junk dealers.
189*	Change salaries of judges, number of district court judges, and filling judicial vacancies.
265	Change duties of the Commission on Information Technology and create a highway-rail crossing safety committee.
285*	Change provisions relating to county attorneys.

286*	Change voter approval provisions for capital construction projects.
307*	Eliminate committees and a commission related to intergovernmental cooperation.
389**	Appropriate funds for salary increases for state employees.
390**	Provide deficit appropriations for state government expenses.
391**	Appropriate funds for capital construction and property acquisition.
392**	Appropriate funds for state government expenses.
393**	Appropriate funds for payment of salaries of members of the Legislature.
394**	Appropriate funds for payment of salaries for certain state officers.
395**	Change provisions relating to state employment and employee health benefits.
414*	Change provisions relating to nurse practitioners.
417	Eliminate certain provisions for state aid to option school districts.
425***	Create the Selective Enhancement for Economic Development Fund.
431	Change provisions for payment for state wards' education costs.
432	Change provisions for payment of special education costs for wards of the state.
433	Change provisions relating to use of force under the Student Discipline Act.
447*	Change provisions for highway construction contract proposal forms.
505*	Change provisions for the school employee retirement systems for Class V school districts.
509*	Change provisions for the conducting of audits.
520*	Increase the number of district court judges.
542*	Change provisions relating to impact aid and education.
594	Allow profits from bingo and pickle card activities to fund a retirement plan for volunteer firefighters.
595	Provide for restriction, suspension, and impoundment of a driver's license of persons under nineteen years of age.
633*	Provide that certain training is not a disqualification for employment security benefits.
638	Change provisions for calculating state aid under the Tax Equity and Educational Opportunities Support Act.
639	Change provisions for alternative educational programs under the Student Discipline Act.
669	Change a residency requirement for certain county attorneys.

670*	Change provisions relating to allocated income tax under the Tax Equity and Educational Opportunities Support Act.
690*	Change provisions for responsibility for certain costs for commitment of persons by mental health boards.
691	Provide for service of process on Indian tribe lands.
692	Change provisions for valuation of land zoned for agricultural or horticultural use.
709*	Authorize employees of first class cities membership in the County Employees Retirement System.
735*	Provide for an engineering program at the University of Nebraska at Omaha and provide for appropriations.
804*	Change provisions relating to powers of the board of adjustment relating to city planning.
805*	Change the board of adjustment membership requirements.
806*	Redefine "subdivision" for purposes of city planning and zoning.
828*	Change provisions for the setting of rates, rents, tolls and other charges by public power and irrigation districts.
829*	Adopt the Quality Jobs Act.
830*	Adopt the Nebraska Redevelopment Act.
840***	Change provisions for state aid for reorganized school districts.
841*	Change provisions relating to trust accounts and real estate brokers.
874	Change provisions relating to the Nebraska Liquor Control Act.
875	Provide that child support guidelines be adopted by the Department of Social Services and not the Supreme Court.
LR	
16*	Appoint delegates to the Conference of States to consider the system of checks and balances between states and national government.
28*	Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.
29CA***	Constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

AGRICULTURE

LB	
105	State intent to fund a statewide animal damage control program.
356*	Change provisions for registration, inspections, and disciplinary actions under the Nebraska Soil and Plant Analysis Laboratory Act.
718	Classify domesticated elk, deer, and ratite birds as livestock and provide a registration requirement for cervine animals.

BUSINESS AND LABOR

LB	
887	Appropriate funds for the payment of certain claims against the state.
888	Disapprove certain claims against the state.

EDUCATION

LB	
621*	Change provisions for pilot programs relating to early childhood programs.
622	Change provisions for state aid to schools.
623	Change provisions relating to the Special Education Accountability Commission.
624	Change provisions relating to education.

EXECUTIVE BOARD

LB	
1	Revisor bill to standardize the numbering system of the sections relating to employment security.
2	Revisor bill to eliminate the Task Force on Historic Preservation.
3	Revisor bill to correct an erroneous deletion of a term relating to child support.
4	Revisor bill to transfer sections relating to the Private Postsecondary Career School Act.
5	Revisor bill to transfer sections relating to the Nebraska Educational Finance Authority Act.
6	Revisor bill to delete an incorrect section reference relating to trailers.
7	Revisor bill to delete internal references to sections repealed in 1994 relating to investment of public funds.
8	Revisor bill to substitute section references relating to public buildings.
9	Revisor bill to eliminate references to a repealed statute relating to sales and use taxes.

10	Revisor bill to correct an internal reference relating to county-city jails.
11	Revisor bill to eliminate obsolete transition provisions relating to beef industry development.
12	Revisor bill to eliminate a reference to a statute repealed in 1974 relating to veterans.
13	Revisor bill to substitute references to sections repealed in 1975 relating to evidence.
14	Revisor bill to repeal an obsolete provision relating to the Governor's Policy Research Office.
15	Revisor bill to eliminate provisions for transfers of property, personnel and funds between agencies of state government.
16	Revisor bill relating to the Public Service Commission.
17	Revisor bill relating to revenue and taxation.

GENERAL AFFAIRS

LB	
343	Change provisions relating to gambling.
344	Change provisions relating to bingo, pickle cards, lotteries, and raffles.
765	Provide for electronic lotteries and provide for operation of lotteries by licensed racetrack organizations.
LR	
24CA	Constitutional amendment to remove the restriction that wagering on horseraces be conducted within a licensed racetrack enclosure.

HEALTH AND HUMAN SERVICES

LB	
402	Change and add provisions for foster care licensure.
403	Change provisions relating to vital statistics, a record of annulment and filing fees.
404	Change provisions relating to drugs and narcotics.
406	Change provisions relating to public health and welfare.
495*	Provide for human services regions.
496*	Adopt the Parkinson's Disease Registry Act.

LEGISLATIVE PROGRAM EVALUATION

LB	
450	Change provisions of the Nebraska Fair Employment Practice Act and provide additional powers for the Equal Opportunity Commission.

NATURAL RESOURCES

LB	
108	Provide for management of interrelated ground water and surface water resources.

581	Change provisions for the administration and collection of the annual litter fee.
582	Change provisions for energy efficiency loans and repayments.
583	Change certain nonresident permit fees to hunt and fish.
584	Provide for and require operator's licenses or boater education programs for motorboat operators.

NEBRASKA RETIREMENT SYSTEMS

LB	
368	Change investment provisions for the state and county employee retirement plans.
369	Change provisions relating to retirement planning, compensation limitations, and county system eligibility.
501	Change provisions for eligibility into the retirement system and for vesting credit.
502	Require a formal competitive bidding process for actuarial services by the Public Employees Retirement Board.
562	Change provisions relating to compensation and eliminate certain duties of the Public Employees Retirement Board.
710	Change provisions relating to investments, payments, and distributions relating to deferred compensation.

REVENUE

LB	
133	Change dates relating to homestead exemptions.
134	Change provisions relating to electronic filings and payments for tax returns and applications.
135	Change provisions relating to homestead exemptions.
136	Authorize the Tax Commissioner to require certain reports by retailers.
137	Change provisions for adjustments to values of classes and subclasses of real property.
386	Change the date of appointment of the Property Tax Administrator.
452	Change dates relating to assessment and taxation of property.
LR	
93CA	Constitutional amendment to establish ad valorem property tax limitations for political subdivisions.

TRANSPORTATION

LB	
424	Change and eliminate provisions for the regulation of motor carriers.
462	Change provisions for issuance of drivers' licenses and permits.

463	Change provisions of the Light-Density Rail Line Assistance Act.
464	Change provisions for motorboat registration, certificates of title and fees.
465	Provide for special interest license plates.
466	Create the Nebraska Railroad Grade Crossing Safety Committee.
467	Change provisions relating to motor vehicles.
715	Change provisions for penalties, driver's license suspension, or revocation for driving under the influence.

URBAN AFFAIRS

LB	
469	Provide for a consolidated rate hearing by videoconference under the Municipal Natural Gas Regulation Act.
470	Provide salary increases for trustees and clerks of sanitary and improvement districts.
593	Change provisions regarding issuance and use of handicapped parking permits and handicapped parking citations.
804*	Change provisions relating to powers of the board of adjustment relating to city planning.
805*	Change the board of adjustment membership requirements.
806*	Redefine "subdivision" for purposes of city planning and zoning.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS
HEARD BY COMMITTEE

NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

Agriculture

Chairperson - Merton L. Dierks

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Appropriations

Chairperson - Roger R. Wehrbein

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Banking, Commerce and Insurance

Chairperson - David M. Landis

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Business and Labor

Chairperson - Chris Abboud

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Education

Chairperson - Ardyce Bohlke

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LR29CA
LR33CA
LR44CA
LR47CA
LR48

Executive Board

Chairperson - Timothy J. Hall

307
508
509
728
LR16
LR26
LR27CA

General Affairs

Chairperson - Stan Schellpeper

72
217
218
263
275
293
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860
874
LR24CA
LR43CA
LR45CA

Government, Military and Veterans Affairs

Chairperson - C. N. "Bud" Robinson

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LR4CA
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LR22CA
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LR38CA
LR46CA
LR81
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Health and Human Services

Chairperson - Don Wesely

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Judiciary

Chairperson - John Lindsay

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LR9CA
LR12CA
LR18CA
LR19CA
LR20CA
LR21CA
LR34CA
LR52

Legislative Program Evaluation

Chairperson - Jerome Warner

450
886

Natural Resources

Chairperson - Chris Beutler

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Nebraska Retirement Systems

Chairperson - Bob Wickersham

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Revenue

Chairperson - Jerome Warner

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LR3CA
LR14CA
LR30CA
LR31CA
LR39CA
LR42CA
LR93CA

Transportation

Chairperson - Douglas A. Kristensen

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Urban Affairs

Chairperson - D. Paul Hartnett

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SUMMARY OF LEGISLATION

NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

The following table shows the final disposition

Length 90 days

Total Number of Bills Introduced	889
Total Number of "A" Bills Introduced	62
Total Number of Resolutions Introduced (including CAs)	275
Total Number of CA Resolutions Introduced	37
Total Number of CA Resolutions Passed	5
Total Number of Bills to Become Law	288

General File Chronological Order (195):

281
750
234
216
121
105
105A
481
91
323
174
174A
516
721
635
635A
333
333A
166
195
253
253A
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460
460A
403
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645
465
465A
191
405
405A
414
414A
279
489
LR33CA
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130
130A
562
700
700A
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701A
273
423
867
336
475
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373
373A
LR17CA
57
126
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345A
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859A
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148A
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LR10CA
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LR41CA
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LR46CA
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361
LR43CA
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General File Numerical Order (195):

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105A
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130A
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LR10CA
LR17CA
LR30CA
LR33CA
LR34CA
LR41CA
LR43CA
LR46CA

Enrollment & Review Initial (0).

Select File (12):

592
592A
106
168
60
307
90
LR27CA
425
425A
642
642A

Enrollment & Review Final (0).

Final Reading (4):
209
296e
693e
LR6CA

Approved by Governor (284):
1
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17e
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19Ae
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20A
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28e
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37A
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48e
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144A
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830e
837e
840e
840Ae
856
860
860A
862
871e
872
874
887e
889e

Line-item Veto (4):
25A
389e*
391e*
392e*

Returned by Governor Without Approval (5):
65
136
136A
326Ae
658A

Passed Notwithstanding Objections of Governor (0).

Became Law Without Governor's Signature (0).

Failed on Final Reading (0).

Resolution CA Delivered to Secretary of State (5):
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LR3CA
LR4CA
LR21CA
LR24CA

Indefinitely Postponed (286):
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LR14CA
LR18CA
LR19CA
LR20CA
LR22CA
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LR36CA
LR37CA
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LR44CA

Withdrawn (6):
226
324
573
768
819
LR12CA

Bills Held in Committees (190):

Agriculture (1):
811

Appropriations (13):
29
62
110
116
211
587
628
650
720
722
796
870
LR25CA

Banking, Commerce and Insurance (14):
415
512
532
536
627
667
673
683
689
711
734
788
793
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Business and Labor (5):
58
249
422
540
810

Education (18):
149
432
600
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LR29CA
LR47CA

Executive Board (1):
LR26

General Affairs (10):
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687
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767
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Government, Military and Veterans Affairs (3):
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Health and Human Services (24):
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Judiciary (17):
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Legislative Program Evaluation (0).

Natural Resources (32):
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Nebraska Retirement Systems (13):
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Revenue (18):
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Transportation (18):
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436
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717

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LR275

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(Totals in parentheses include bills, A bills, and resolutions of each section.)

*Line-item veto partially overridden
**All Line-item veto overridden

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1995

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(Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Brown, Chambers, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hall,

Hartnett, Hillman, Hudkins, Janssen, Jensen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek, Withem) 15, 16

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5 Congratulate Dr. Tom Osborne, the UNL football team, and the coaching staff for their national championship and successful season.
(Brown, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hall, Hartnett, Hillman, Hudkins, Janssen, Jensen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Wehrbein, Wesely, Wickersham, Will, Witek, Withem) 137, 169, 198, 234, 259

6CA Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
(Dierks, Jones, Pirsch, Schmitt, Schrock, Witek) 142, 202, 471, 821, 951, 980, 981, 1019, 1039, 1253, 1360, 1361, 1372, 1376, 1377, 1378, 1382, 1385, 1396, 1455, 1456, 1537, 1711, 1819, 1820, 1846

7 Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
(Jones, Avery, Beutler, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jensen, Kristensen, Lindsay, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska, Wehrbein, Wickersham, Witek, Stuhr) 144, 162, 202, 539, 709

8 Congratulate the Norfolk High School football team for Class A state football championship.
(Day) 146, 434, 447

9CA Constitutional amendment to provide the Governor have authority to grant reprieves, pardons or commutations in capital cases.

(Will, at the request of the Governor) 157, 233, 280, 454

10CA Constitutional amendment to provide legislative approval of gubernatorial appointments to vacated elected state offices.
(Witek) 158, 233, 830, 1154

11CA Constitutional amendment to require ballots for election to indicate the political party affiliation for candidates for the Legislature.
(Witek) 158, 233, 830, 1154

12CA Constitutional amendment to provide for the election of judges of the county and district courts.
(Schmitt) 173, 258, 437

13 Congratulate Cory Schlesinger on his performance at the 1995 Fed Ex Orange Bowl.
(Robak) 179, 202

14CA Constitutional amendment to change the repayment provisions for the redevelopment of blighted property.
(Day) 179, 258, 281, 1124

15 Designate the square dance as an official state folk dance of Nebraska.
(Schellpeper, Schrock, Bromm, Elmer, Hudkins, Dierks, Coordsen, Cudaback, Janssen, Vrtiska, Stuhr, Jones, Robak) 187, 253, 434

16 Appoint delegates to the Conference of States to consider the system of checks and balances between states and national government.
(Kristensen, Withem, Abboud) 206, 209, 273, 540, 739, 926, 947, 949, 950, 951, 966, 997, 998, 1005, 1006, 1243, 1250, 1251, 1260, 1261, 1262, 1263, 1277, 1312

17CA Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
(Lindsay, Schrock, Schimek) 208, 273, 314, 471, 732, 951, 1073

18CA Constitutional amendment to change the voting requirement for paroles and provide the Governor with veto power of paroles.
(Hall) 213, 273, 784, 993

19CA Constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.
(Witek) 214, 274, 831, 993

20CA Constitutional amendment to change requirements for granting paroles.
(Pirsch, Beutler, Hudkins) 214, 274, 784, 993

21CA Constitutional amendment to prescribe that crime victims shall have certain rights.
(Pirsch, Abboud, Avery, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Hillman, Hudkins,

Janssen, Jensen, Jones, Maurstad, McKenzie, Pedersen, Robak, Robinson, Schellpeper, Schmitt, Stuhr, Wehrbein, Witek) 215, 274, 280, 430, 453, 460, 482, 508, 512, 523, 686, 687, 713, 1053, 1066, 1074, 1075, 1088, 1097, 1109, 2749

22CA Constitutional amendment to change the number of signatures needed and the method of calculating the number for initiative and and referendum measures.
(Schimek, Kristensen, Landis, Warner) 226, 274, 471, 493, 826

23CA Constitutional amendment to require initiative measures to contain only one subject.
(Schimek) 228, 274, 471, 723

24CA Constitutional amendment to remove the restriction that wagering on horseraces be conducted within a licensed racetrack enclosure.
(General Affairs Committee) 243, 317, 319, 324, 464, 487, 488, 512, 518, 525, 536, 1297, 1311, 1312, 1337

25CA Constitutional amendment to require the Legislature to appropriate funds for programs mandated by the Legislature to political subdivisions.
(Coordsen) 244, 317, 561

26 Ratify the proposed balanced budget amendment to the U.S. Constitution.
(Bernard-Stevens) 245, 317, 367, 817, 1109

27CA Authorize Legislators to participate in employee benefit programs available to other state officials.
(Chambers) 290, 369, 443, 466, 556, 1059, 1122, 1191

28 Encourage the Department of Social Services to participate in the 5th meeting of the U.S. State Department's Study Group on Intercountry Adoption.
(Withem, Day, Lindsay, Matzke, Wesely) 291, 305, 369, 664, 1010, 2792, 2793, 2794

29CA Constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.
(Bohlke, Withem, at the request of the Governor) 292, 370, 523

30CA Constitutional amendment to provide property of the state and its governmental subdivisions is exempt from taxation if used for public purposes.
(Hartnett, Warner) 306, 434, 584, 1231, 1396

31CA Constitutional amendment to eliminate an assessment limit on property taxes and impose a limit on the real property tax levy.
(Schrock, Avery, Bromm, Coordsen, Cudaback, Dierks, Elmer, Hudkins, Jones, Robinson, Schellpeper, Schmitt,

Vrtiska, Wehrbein) 308, 434, 586, 2137

32 Name the commons area to be constructed at Wayne State College, the Lyle E. Seymour Heritage Plaza.
(Engel, Day, Schellpeper) 308, 434, 447

33CA Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
(Robinson, Brown, Crosby, Engel, Fisher,
Lynch, Schimek) 321, 372, 443, 523, 698, 1124

34CA Constitutional amendment to provide for disciplinary action against judges.
(Beutler) 358, 443, 1001, 1170

35 Encourage the Board of Directors of the Nebraska Public Power District to delay construction of certain transmission lines.
(Coordsen) 361, 367, 443, 562, 1036

36CA Constitutional amendment to authorize the Legislature to enact laws upon ratification by the people.
(Beutler) 361, 443, 831, 1131

37CA Constitutional amendment to to authorize the Legislature to offer alternative measures to measures initiated by the people.
(Beutler) 362, 443, 831, 1131

38CA Constitutional amendment to change the date on which the Legislature convenes in regular ninety-day sessions.
(Wesely, Coordsen) 364, 443, 471, 733

39CA Constitutional amendment to specify the sources of payment for bonds issued by cities for redeveloping blighted property.
(Maurstad) 388, 471, 569, 1124

40CA Constitutional amendment to provide that the Legislature may prescribe conditions of ownership and operation of agricultural land.
(Hillman, Elmer, Jones) 389, 471, 584, 926, 967, 1024, 1031

41CA Constitutional amendment to remove references to the Public Service Commission and the Railway Commission.
(Brown) 401, 471, 745, 1243

42CA Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.
(Bromm) 421, 471, 584

43CA Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
(Schellpeper, Bernard-Stevens, Hall, Hartnett, Pedersen,
Robak) 422, 471, 626, 2531

44CA Constitutional amendment to authorize recovery of certain personnel costs incurred in the prosecution of violations resulting in collection of fines.

(Lynch, Hartnett) 423, 471, 538, 1216

45CA Constitutional amendment to provide the Legislature may authorize any game of chance, lottery, or gift enterprise.
(Will) 424, 471, 626

46CA Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
(Hillman, Crosby, Engel, Hall, Lynch, Maurstad) 425, 471, 637, 890, 1401

47CA Constitutional amendment to provide for appointment of the members of the State Board of Education and Commissioner of Education by the Governor.
(Hall, Will, at the request of the Governor) 426, 471, 523, 2700

48 Urge Congress to continue support of educational and public telecommunications.
(Wehrbein, Hillman, Wickersham, Schimek, Crosby, Engel) 449, 450, 471, 523, 627, 715, 717, 734

49 Oppose the sale, transfer, exchange or other disposition of the Western Area Power Administration due to the fiscal impact on taxpayers.
(Beutler) 483, 486, 487, 586, 712, 997, 1020

50 Extend sympathy to the family of Merlyn C. Dickerson.
(Cudaback) 511, 525, 537

51 Urge Nebraska's congressional delegation to consider the benefits of Amtrak if federal transportation dollars are cut.
(Wickersham, Bohlke, Schrock) 519, 520, 556, 745, 1204

52 Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
(Crosby, Wesely, Warner, Beutler, Hudkins, Maurstad) 533, 552, 553, 556, 1002, 1996, 2768, 2769, 2770, 2791

53 Recognize the League of Women Voters for seventy-five years and for promoting the democratic process.
(Crosby, Schimek, McKenzie, Bohlke, Pirsch, Brown, Day, Hillman, Hudkins, Stuhr, Witek, Robak) 720, 733, 750

54 Extend congratulations to distinguished award recipients.
(Withem, Lindsay, Dierks, Will, Witek, Preister, Schrock, Brashear, Maurstad, Brown, Pirsch, Jensen, Abboud, Hall, Warner) 809, 851, 857, 862

55 Congratulate Tom Allan on his receipt of the NEBRASKAlander Award.
(Withem, Schrock, Abboud, Witek, Jensen, Pirsch, Preister, Brashear, Hall, Lindsay, Brown, Warner) 810, 851, 857, 862

56 Congratulate David Murdock on his receipt of the Nebraska Sower Award.

(Withem, Beutler, Hudkins, Crosby, Landis, Wesely, Schimek, Warner) 810, 851, 862

57 Congratulate the Albion High School wrestling team for Class C state championship.
(Schmitt) 819, 947, 955

58 Congratulate the Greeley High School wrestling team for Class D state championship.
(Schmitt) 819, 947, 955

59 Declare Feb. 21-26 as the official "Nebraskans and Nugent Celebrate Outdoor Sports Week."
(Witek) 833

60 Declare Campbell, Nebraska, the Road Rally Capital of Nebraska.
(Schrock) 941, 947, 955

61 To study the Nebraska Liquor Control Act.
(Withem) 965, 2507

62 Recognize Karl Timmerman for his heroic action in World War II.
(Robinson) 984, 997, 1020

63 Congratulate the Cambridge girls' basketball team for Class C-2 state championship.
(Elmer) 985, 997, 1020

64 Congratulate the South Sioux City girls' basketball team for Class B state championship.
(Engel) 985, 997, 1020

65 Congratulate the Chambers High School girls' basketball team for Class D-2 state championship.
(Dierks) 1002, 1044, 1069

66 Extend sympathy to the family of Michael Barrow.
(Lynch) 1015, 1044, 1069

67 Congratulate the Southeast High School girls' basketball team for Class A state championship.
(Crosby, Schimek) 1016, 1044, 1069

68 Congratulate Richie Ashburn for his election to the Baseball Hall of Fame.
(Dierks, Day, Robinson, Hartnett) 1025, 1285, 1322

69 Interim study to determine whether Nebraska should adopt the Uniform Common Interest Ownership Act.
(Abboud) 1031, 2507

70 Congratulate the Hastings Adams Central High School girls' basketball team for Class C-1 state championship.
(Bohlke) 1038, 1044, 1069

71 Congratulate the Axtell High School girls' basketball team for Class D-1 state championship.
(Kristensen) 1063, 1152, 1189

72 Recognize the week of March 27 through April 2, 1995, as Armed Services Vocational Aptitude Battery 18/19 Career Exploration Program Week.

(Fisher) 1071, 1152, 1189

73 Congratulate the Laurel-Concord High School boys' basketball team for Class C-2 state championship.
(Schellpeper) 1096, 1152, 1189

74 Congratulate the Elgin High School boys' basketball team for Class D-2 state championship.
(Dierks) 1099, 1152, 1189

75 Congratulate the Lincoln Northeast High School boys' basketball team for Class A state championship.
(Wesely, Landis) 1100, 1285, 1322

76 Congratulate the St. Paul High School boys' basketball team for Class C-1 state championship.
(Schmitt) 1105, 1152, 1189

77 Extend sympathy to the family of Carl Maltas.
(Day, Robak, Schellpeper, Dierks) 1117, 1152, 1189

78 Congratulate the Paxton High School boys' basketball team for Class D-1 state championship.
(Matzke) 1125, 1152, 1189

79 Congratulate the Norris High School boys' basketball team for Class B state championship.
(Maurstad) 1125, 1152, 1189

80 Declare the week of April 9 to April 15, 1995, as National Library Week.
(Maurstad) 1266, 1514, 1524

81 Recognize the on-going commercial relationship of the State of Nebraska with the Republic of China on Taiwan.
(Wehrbein, Vrtiska, Coordsen, Wesely, Elmer, Dierks, Hudkins) 1313, 1447, 1453, 1472, 1799, 2016, 2791, 2792, 2793

82 Approve revenue bonds for construction projects at the University of Nebraska-Lincoln.
(Wehrbein, Maurstad, Engel, Crosby, Brown, Schrock) 1330, 1453, 1463

83 Recognize the outstanding achievements of the International Order of Job's Daughters.
(Jones) 1357, 1424, 1453

84 Congratulate Raymond Central High School and Holdrege High School for the Speech State Championship.
(Hudkins, Schrock) 1372, 1424, 1453

85 Commend the University of Nebraska-Lincoln's Department of English and the Center for Great Plains Studies for organizing the seminar on the life of Willa Cather.
(Crosby, Schrock) 1385, 1453, 1463

86 Commend Dr. Melvin E. Jenkins, Jr., for his contributions in the field of pediatrics.
(Brown) 1402, 1453, 1463

87 Extend sympathy to the family of Bill Tallichet.
(Kristensen, Pedersen, Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Brown, Chambers,

Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hall, Hartnett, Hudkins, Janssen, Jensen, Jones, Landis, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pirsch, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek,
Withem) 1507, 1510, 1514, 1524

88 Recognize Craig A. Cooperrider for his dedication to the state and his community.
(Stuhr, Coordsen, Bromm) 1512, 1650, 1676

89 Congratulate Matthew Wright for winning the Midwest Spelling Bee.
(Robak) 1513, 1539, 1583

90 Recognize problems created in competition between states in offering economic incentives.
(Bernard-Stevens) 1535, 1536, 1592, 1657

91 Extend gratitude and best wishes to Reta Johnson.
(Crosby) 1579, 1650, 1676

92 Extend sympathy to the family of Joe R. Seacrest.
(Beutler, Landis, Maurstad, Lynch, Hudkins, Schimek, Crosby, Wesely, Warner) 1608, 1650, 1676

93CA Constitutional amendment to establish ad valorem property tax limitations for political subdivisions.
(Revenue Committee) 1535, 1626, 1627, 1637, 1668, 2696

94 Express sympathy to the family of Albert Schoenrock.
(Coordsen) 1690, 1786, 1794

95 Proclaim the week of April 23-29, 1995, as Nebraska Crime Victims' Rights Week.
(Pirsch) 1693, 1786, 1794

96 Support the efforts of the citizens of Hall County citizens who assist in crime prevention.
(Fisher) 1739, 1900, 1912

97 Recognize the need to demilitarize the conflict in the North of Ireland to encourage further progress in the Irish Peace Process.
(Hall) 1748, 1787, 2506

98 Congratulate Jeffrey Kruse for being recognized at the UNL Honors Convocation.
(Witek) 1792, 1900, 1912

99 Express sympathy to the families and friends of the victims of the Oklahoma City bombing.
(Maurstad, Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hall, Hartnett, Hillman, Hudkins, Janssen, Jensen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, McKenzie, Pedersen, Pirsch, Preister, Robak, Robinson, Schellpeper,

Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek,
Withem) 1831, 1900, 1912

100 Recognize April 24-28, 1995, as Nebraska Heritage Week.
(Lindsay, Pirsch) 1846, 1900, 1912

101 Approve payment of attorney fees to Daniel Henry pursuant to statute as a result of Supreme Court ruling LB 657 unconstitutional.
(Appropriations Committee) 1889, 2028, 2029, 2037

102 Recognize the 100th year anniversary of the Alpha Theta Chi chapter of Chi Phi Fraternity.
(Jones) 1927, 2013, 2017

103 Recognize the week of May 7-13, 1995, as Municipal Clerks' Week.
(Hartnett, Maurstad) 1953, 2013, 2017

104 Require state agencies to review rules and regulations with regard to the taking of an individual's property.
(Jones, Wickersham, Bromm) 1982

105 Extend appreciation to all women legislators who have represented Nebraska for their outstanding contributions.
(Witek, Pirsch, Chambers, Bohlke, Wickersham, Preister, Wehrbein, Brashear, Robak, Stuhr, Engel, Abboud, Cudaback, Schimek, Schellpeper, Coordsen, Maurstad, Will, Lindsay, Dierks, Schmitt, Jones, Day, Crosby, Pedersen,
Jensen) 1983, 2145, 2154

106 To study the impact on counties of paying for the maintenance of individuals found mentally incompetent to stand trial.
(Hudkins) 2014, 2507

107 To study the special use permit process including operation of overwidth and overlength vehicles.
(Coordsen) 2026, 2507

108 To study the Nebraska laws relating to branding and the brand inspection of livestock.
(Dierks) 2049, 2507

109 To study the effect of legislation affecting homestead exemptions as passed by the Legislature in 1994.
(Fisher) 2064, 2507

110 Extend sympathy to the family of Helen Wessel Cherniack.
(Brown) 2072, 2393, 2500

111 To study the personnel policies of the state's railroad carriers.
(Business and Labor Committee) 2090, 2507

112 To study LB 555, 1995, which expands the scope of employment of minors in Nebraska.
(Business and Labor Committee) 2090, 2507

113 To study the cost of workers' compensation insurance premiums since the passage of LB 757, 1993.

(Business and Labor Committee) 2091, 2507

114 To study the consolidation of job training activities as proposed in LB 885, 1995.
(Business and Labor Committee) 2091, 2508

115 To study state laws and issues regarding use of agricultural land in close proximity of areas of urban growth.
(Dierks, Vrtiska) 2110, 2508

116 To study the funding and governance of Nebraska community colleges and state colleges.
(Hillman, Wickersham) 2115, 2508

117 To study the protection order provisions of the Protection from Domestic Abuse Act.
(Hillman, Day, Bernard-Stevens) 2115, 2508

118 To study the rating practices of automobile insurance premiums.
(Preister, Chambers, Hall, Landis, Beutler, Will, Jensen, Lindsay, Crosby, Wesely, Hartnett, Pedersen, Schimek) 2116, 2508

119 To study the relationship of tobacco products to minors.
(Preister, Pedersen, Jensen) 2117, 2508

120 To examine permit requirements to sell tractors in the State of Nebraska.
(Dierks) 2131, 2508

121 To study laws governing the provision of free transportation or a transportation allowance to public school students.
(Dierks) 2132, 2508

122 To study the Grain Dealers Act.
(Dierks) 2132, 2508

123 To study the operating structure and legal authority of diversion programs for traffic offenses.
(Schmitt) 2133, 2508

124 To study the provisions of adverse possession, relating to actions for recovery of title or possession of real estate.
(Jones) 2133, 2508

125 To study the licensure and regulation of direct-entry midwives.
(Lynch) 2135, 2508

126 To study the emergency medical system function in the State of Nebraska.
(Wickersham, Wesely, Vrtiska) 2135, 2508

127 To study issues associated with the enactment of concealed-carry legislation in other states.
(Schmitt, Schellpeper) 2136, 2509

128 To study what Nebraska's response should be to the interstate branching provisions of the federal Riegle-Neal Interstate Banking Act.
(Bromm, Landis) 2153, 2509

129 To examine using the average personal income of a school

district as a factor in determining the local effort rate for school financing.
(Robak) 2153, 2509

130 To study state statutes requiring state and local public officials to post fidelity or performance bonds.
(Vrtiska, Beutler) 2154, 2509

131 Interim study to determine financial responsibility for damages resulting from accidents involving high-level nuclear waste.
(Landis, Preister, Vrtiska, Schimek) 2160, 2509

132 To study whether Nebraska should rewrite and update statutes regarding credit unions.
(Pirsch, Landis) 2161, 2509

133 To study questions regarding entries made on the Central Register in the Department of Social Services pertaining to child abuse and neglect.
(Schimek, Chambers, Hillman, Day, Crosby, Matzke, Lindsay) 2161, 2509

134 To study methods to promote the collaboration of services by governmental units.
(Robinson) 2162, 2509

135 To study aspects of the publication of legal notices.
(Robinson) 2162, 2509

136 Interim study to determine whether election costs should be allocated by county election officials among political subdivisions.
(Witek) 2163, 2509

137 To study property tax issues.
(Warner, Robinson) 2174, 2509

138 To study the feasibility of requiring law enforcement officials to be trained in cultural sensitivity and/or a second language.
(Will) 2175, 2510

139 Interim study to examine the registration of sports agents in Nebraska.
(Will, Chambers) 2175, 2510

140 Endorse the efforts of the natural resources districts to establish the Lower Platte River Basin Conference.
(Bromm, Beutler, Hudkins, Wehrbein, Avery, Hartnett) 2176, 2746, 2761

141 To study the Nebraska Right to Farm Act.
(Bromm, Dierks) 2177, 2510

142 To study laws affecting tenants and landlords.
(Lindsay) 2204, 2510

143 To study issues relating to administration of the criminal justice system.
(Lindsay) 2204, 2510

144 To study the issue of vehicular pursuits by police and liability limitations.

(Lindsay, Maurstad) 2205, 2510

145 To study the issue of monopolies and unlawful combinations that relate to monopolies.
(Lindsay) 2205, 2510

146 To study the allocation of judicial resources among the district, county, and separate juvenile courts.
(Lindsay) 2205, 2510

147 Interim study regarding legislation to create criminal or civil sanctions for parents of juveniles charged with criminal offenses.
(Lindsay) 2206, 2510

148 To study issues relevant to LB 881, 1995, proposing the merger of the probation and parole offices under the Department of Correctional Services.
(Lindsay, Pedersen) 2207, 2510

149 To study the risk-based corrective action approach to environmental clean-up.
(Bromm, Preister, Jones, Bohlke, Elmer, Avery,
Beutler, McKenzie) 2207, 2510

150 To study the beverage container deposit systems in various states.
(Schellpeper) 2207, 2510

151 To study the role of temporary employees, SOS, and other contractual service employees in state agencies.
(Appropriations Committee) 2211, 2511

152 To study the Agriculture Development Program (Budget Program No. 564) within the Department of Agriculture.
(Appropriations Committee) 2211, 2511

153 To study the number of out-of-state students attending the University of Nebraska or a Nebraska state college.
(Appropriations Committee) 2212, 2511

154 To study the number of revolving funds within state agencies.
(Appropriations Committee) 2212, 2511

155 To study the computer needs of and information technology upgrades within state agencies.
(Appropriations Committee) 2213, 2511

156 To study the creation of the Capitol Construction Fund.
(Appropriations Committee) 2213, 2511

157 To study a process that enables the Appropriations Committee and members of the Legislature to consider programs of an agency and their relationship to the budget process.
(Appropriations Committee) 2213, 2511

158 To study whether Nebraska should update its statutes regarding abortion clinics.
(Pirsch, Dierks) 2214, 2511

159 To study the feasibility of providing a sales and use tax

exemption to charitable organizations, organized not for profit.
(Withem) 2215, 2511

160 To study how elementary and secondary education should be financed.
(Education Committee) 2220, 2511

161 To study factors involved in the deaths of regional center patients.
(Chambers) 2242, 2511

162 To study medical and health care services available to inmates of the Department of Correctional Services.
(Chambers) 2243, 2511

163 To study and analyze deaths of inmates while in the custody of the Department of Correctional Services.
(Chambers) 2243, 2511

164 To study the General Principles of Sound Retirement Planning.
(Wickersham) 2243, 2512

165 To study Nebraska's policy on the purchase of prior service credit or "buyback" under the Nebraska public retirement systems.
(Wickersham) 2244, 2512

166 To study the forfeiture of employer contributions under the state and county retirement plans upon termination of employment.
(Wickersham) 2245, 2512

167 To study the treatment of employees who are rehired after the date of retirement or termination.
(Wickersham) 2245, 2512

168 To study whether Nebraska should allow members to rollover contributions from other defined contribution plans into the state or county retirement systems.
(Wickersham) 2246, 2512

169 To study the effect of qualified domestic relations orders on the benefits received under the Nebraska public retirement systems.
(Wickersham) 2246, 2512

170 To study whether Nebraska should provide different or additional retirement benefits to elected officials and employees of elected officials.
(Wickersham) 2247, 2512

171 To study allowing police officers participating in a public retirement system to make voluntary cash contributions.
(Wickersham) 2247, 2512

172 To study the concept of direct election of judges, as posed by LR 12CA, 1995.
(Schmitt) 2248, 2512

173 To study the classification of criminal offenses and penalties.

(Lindsay) 2248, 2512

174 To study the current method of administration of county government in Class 7 counties.
(Lindsay) 2249, 2512

175 To study whether Nebraska should enact the Uniform Custodial Trust Act.
(Landis) 2251, 2513

176 To study Nebraska's statutes regarding deposit of public funds in financial institutions.
(Landis) 2251, 2513

177 To study whether Nebraska should replace current nonprofit corporation statutes by enactment of a version of the Revised Model Nonprofit Corporation Act.
(Kristensen, Landis) 2252, 2513

178 To study whether Nebraska should enact legislation providing for licensure and regulation of insurance adjusters.
(Landis) 2252, 2513

179 To study and investigate services to patients at the state's regional centers and community mental health centers.
(Day, Jensen, Schimek, Pirsch, Wesely, Dierks,
Matzke) 2252, 2513

180 To study and develop criteria for the introduction of legislative resolutions.
(Bernard-Stevens) 2254, 2513

181 To study how best to eliminate the State Board of Equalization and Assessment and implement the Tax Equalization and Review Commission.
(Kristensen) 2254, 2513

182 To study the need for health insurance coverage for diagnosis and nonexperimental treatment of infertility.
(Robak) 2255, 2513

183 To study the effectiveness of due process rights and procedures for Nebraskans with severe and persistent mental illness.
(Robak) 2256, 2513

184 To study the regulatory and statutory and procedural due process protections to protect Nebraskans with severe mental illness.
(Robak) 2256, 2513

185 To study recommendations for evaluating the impact of managed care on mental health service delivery to Nebraskans.
(Robak) 2257, 2513

186 To study the impact of limitations of mental health coverage in private insurance contracts.
(Robak) 2258, 2514

187 To study the placement of legal counsels from all or certain state agencies under the direction of the Attorney General.

(Maurstad) 2260, 2514
188 To study the feasibility of a system of state-issued drivers' licenses.
(Jones) 2260, 2514
189 To study objectives in Nebraska's family policy objectives and the Juvenile Services Act.
(McKenzie, Schimek) 2261, 2514
190 To study the need for supplemental programs in public schools for learners with high ability.
(McKenzie) 2261, 2514
191 To study issues relating to public libraries.
(General Affairs Committee) 2262, 2514
192 To study the impact that gaming in bordering states has on certain activities in the State of Nebraska.
(General Affairs Committee) 2262, 2514
193 To study types of gaming which generate revenue for charitable purposes.
(General Affairs Committee) 2263, 2514
194 To study the structure of gaming commissions.
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NINETY-FOURTH LEGISLATURE
FIRST SESSION
1995

This index includes bills and resolutions introduced during the Ninety-Fourth Legislature, First Session, 1995. Constitutional amendment resolutions are identified by a CA after the number.

Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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1995

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32-1302	A	674
32-1302	A	780
32-1403	A	380
32-1404	A	337
32-1405	A	337
32-1409	A	337
32-1413	A	337
32-1603 to 13-1606	A	537
32-1610	A	548
33-101	A	109
33-102	A	7
33-106.03	A	539
33-110	A	116
33-110	A	153
33-123	A	270
33-139.01	A	593
33-141 to 33-143	A	418
33-150	A	32
33-150	A	33
33-150	A	83
33-150	A	492
33-151	A	33
35-506	A	756
35-506	A	757
35-507	A	757
35-508	A	594
35-517	A	589
35-601	A	7
37-101	A	259
37-101	A	576
37-102	A	81
37-102	A	114
37-102	A	274
37-102	A	576
37-104	A	98
37-105	A	98
37-109	A	338
37-110	A	338
37-110	A	345
37-201	A	198
37-201	A	259

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37-202.03	A	7
37-204	A	579
37-204	A	583
37-206	A	354
37-207	R	81
37-213	A	198
37-215	A	35
37-215	A	583
37-215	A	862
37-215.03	A	35
37-215.03	A	198
37-215.08	A	198
37-216.01	A	338
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37-216.03	R	81
37-216.03	A	114
37-216.04	A	114
37-216.07	A	114
37-216.07	A	354
37-217.01	R	338
37-227	A	35
37-304.01	A	576
37-306	A	576
37-428	A	7
37-501	A	576
37-501.01	A	576
37-505	A	576
37-505	A	718
37-513	A	576
37-530	A	274
37-532	A	274
37-533	A	274
37-537	A	576
37-702	A	576
37-703	A	576
37-703	A	718
37-705	A	576
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37-705	A	718
37-706	A	718
37-711	A	576
37-711.01	A	576
37-712	A	576
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37-726	A	576
37-901	A	209
to 37-914		
37-901	A	576
37-901.01	R	576
37-902	A	576
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37-907	R	576
37-908	A	576
to 37-911		
37-912	R	576
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37-1102	A	236
37-1102	A	876
37-1103	A	30
37-1105	A	236
37-1112	A	876
37-1113	A	354
37-1114	A	236
37-1204	A	584
37-1211	A	376
37-1211	A	584
37-1214	A	376
37-1214	A	464
37-1214	A	583
37-1254.01	A	150
37-1254.01	A	584
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37-1254.02	A	111
37-1254.02	A	150
37-1254.08	A	584
37-1275	A	464
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37-1282	A	464
to 37-1287		
37-1287	A	467
37-1289	A	464
37-1291	A	464
37-1291	A	584
37-1305	A	7
37-1501	A	554
37-1509	R	236
37-1509	R	554
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39-202	A	264
39-203	A	264
39-205	A	264
39-207	A	112
39-210	A	264
39-304	A	354
39-846	A	7
39-1302	A	264
39-1311	A	264
39-1320	A	264
39-1320.01	A	264
39-1320.02	A	264
39-1320.03	A	264
39-1320.06	A	264
39-1320.07	A	264
39-1320.08	A	264
39-1320.09	A	264
39-1320.10	A	264
39-1320.11	A	264
39-1320.12	A	264
39-1320.13	A	264
39-1320.14	A	264
39-1320.15	A	264
39-1353	A	447
39-1390	A	7
39-1522	A	590
39-1621	A	452
39-1813	A	549
39-2215	A	101
39-2215	A	184
39-2215.01	A	184
39-2216	A	184
39-2401	A	7
39-2507	A	636
39-2510	A	30
39-2520	A	30
39-2601	A	264
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39-2610	A	264
39-2611	A	264
42-119	A	539
42-346	A	539
42-348	A	539
42-351	A	539
42-352	A	539

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42-357	A	539
42-358	A	571
42-358	A	592
42-358.08	A	539
42-364	A	539
42-364	A	592
42-364	A	875
42-364.15	A	550
42-364.15	A	592
42-364.16	A	875
42-365	A	315
42-369	A	647
42-372	A	544
42-812	A	539
42-821	A	539
42-822	A	539
42-901	A	116
42-903	A	797
42-917	A	275
42-917	A	798
42-917	A	839
42-924	A	797
42-924 to 42-926	A	878
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42-924.02	A	797
42-925	A	797
42-926	A	797
43-101	A	55
43-102	A	712
43-104	A	55
43-104	A	539
43-104	A	712
43-104.02	A	712
43-104.04	R	712
43-104.05	A	712
43-104.06	R	712
43-105	A	712
43-106	A	55
43-107	A	55
43-112	A	55
43-112	A	538
43-115	A	55
43-146.01	A	55
43-245	A	421
43-245	A	510
43-245	A	539
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43-247	A	421
43-247	A	660
43-250	A	510
43-250	A	866
43-251	A	510
43-253	A	510
43-254	A	421
43-255	A	273
43-255	A	510
43-256	A	510
43-261	R	273
43-261	A	866
43-272.01	A	305
43-274	A	273
43-276	R	273
43-276	A	866
43-286	A	421
43-287	A	421
43-289	A	421
43-290	A	647
43-290	A	868
43-2,104	A	371
43-2,105	A	371
43-2,113	A	539
43-2,113	A	592
43-2,113	A	875
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43-2,119	A	189
43-2,119	A	877
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43-2,129	A	71
43-2,129	A	273
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43-504	A	455
43-504	A	658
43-512	A	455
43-512	A	839
43-512.03	A	3
43-512.03	A	592
43-512.04	A	539
43-512.04	A	592
43-512.07	A	524
43-512.07	A	868
43-512.12	A	875
43-512.15	A	875
43-512.17	A	539
43-522	A	839
43-524	A	839
43-526	A	839
43-533	A	739
43-906	A	712
43-1202	A	712
43-1214.01	A	539
43-1214.01	A	592
43-1214.01	A	875
43-1301	A	832
43-1302	A	642
43-1308	A	578
43-1321	A	7
43-1411	A	712
43-1412	A	592
43-1414	A	474
43-1743	A	539
43-1802	A	869
43-1803	A	539
43-1803	A	869
43-1906	A	7
43-2402	A	485
43-2403	A	485
43-2403	A	739
43-2404	A	485
43-2405	A	485
43-2406	A	485
43-2407 to 43-2413	A	485
43-2505	A	780
43-2508 to 43-2511	A	839
43-2511	A	780
43-2513	A	349
43-2513	A	622
43-2513	A	638
43-2513	A	670
43-2513	A	676

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43-2515	A	839
43-2601	A	401
43-2603 to 43-2606	A	401
43-2607	A	401
43-2608 to 43-2618	A	401
43-2611	A	798
43-2620	A	401
43-2620	A	621
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43-2903 to 43-2917	A	592
43-2904	A	539
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44-205.01	A	109
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44-208.02	A	109
44-221	A	162
44-224.01	A	109
44-224.04	A	109
44-301	A	109
44-322	A	162
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44-3,131	A	711
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44-404	A	574
44-407.10	A	574
44-513	A	473
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44-515	A	185
44-704	A	574
44-707.03	A	7
44-749	A	473
44-773	A	275
44-773	A	839
44-774	A	275
44-774	A	839
44-784	A	836
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44-2001	A	162
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44-2128	A	109
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44-3812	A	109
44-4002	A	489
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44-4207	A	839
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44-4233	A	279
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45-702	A	163
45-702	A	615
45-705	A	163
45-706	A	163
45-710	A	163
45-711	A	163
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45-711	A	477
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46-133	A	490
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46-209	A	350
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46-229	A	99
46-229.04	A	350
46-231	A	100
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46-241	A	309
46-257	A	309
46-261	A	94
46-261	A	99
46-277	A	309
46-290	A	99
46-295	A	108
46-296	A	108
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46-2,109	A	871
46-2,115	A	871
46-2,119	A	871
46-538	A	160
46-541	A	99
46-543	A	452
46-602	A	54
46-602	A	145
46-606	A	229
46-613	A	247
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46-656	A	108
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46-660	A	108
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46-663.02	A	108
46-664	A	108
46-665	R	108
46-666	A	108
46-666.01	A	108
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46-668	A	108
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46-672	A	108
46-673	A	108
46-673.01 to 46-673.07	A	108
46-673.08	R	108
46-673.09	R	108
46-673.10	A	108
46-673.11	A	108
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46-673.13	A	108
46-673.14 to 46-673.16	A	108
46-674	A	108
46-674.02 to 46-674.14	A	108
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46-674.16 to 46-674.18	A	108
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46-674.20	A	108
46-676	A	108
46-689	A	108
46-701	A	694
46-1008	A	99
46-1101	A	238
46-1103	A	238
46-1111	A	238
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46-1121	A	7
46-1121	A	238
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46-1129.01	A	238
46-1131	A	238
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47-102	A	233
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48-115	A	44
48-115	A	58
48-115	A	221
48-126.01	A	43
48-133	A	655
48-151	A	504
48-1,103	A	7
48-233	A	607
48-302	A	330
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48-310	A	422
48-507	A	699
48-508	A	699
48-524	A	450
48-524	A	886
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48-602	A	574
48-604	A	424
48-604	A	540
48-604	A	574
48-606.01	A	1
48-617 to 48-619	A	1
48-617	A	7
48-620	A	7
48-621	A	1
48-621	A	674
48-622.01	A	7
48-622.02	A	7
48-622.03	A	674
48-625 to 48-627	A	1
48-627	A	240
48-628	A	1
48-628	A	77
48-628	A	291
48-628	A	633
48-628	A	759
48-628.03	A	1
48-628.03	A	574
48-634	A	239
48-647	A	478
48-649	A	334
48-652	A	1
48-652	A	240
48-655	A	1
48-661	A	1
48-663	A	479
48-719	A	438
48-722 to 48-727	A	438
48-729 to 48-733	A	438
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48-735	A	438
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48-743	A	438
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48-801.01	A	249
48-801.01	A	365
48-801.01	A	382

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48-816	A	365
48-818	A	249
48-905	A	354
48-1001 to 48-1010	R	450
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48-1101	A	21
48-1101	A	400
48-1101	A	450
48-1101	A	886
48-1102	A	21
48-1102	A	400
48-1102	A	450
48-1102	A	886
48-1104	A	21
48-1104	A	400
48-1104 to 48-1107	A	450
48-1104 to 48-1107	A	886
48-1105	A	21
48-1105	A	400
48-1106	A	21
48-1106	A	400
48-1107	A	21
48-1107	A	400
48-1108	A	21
48-1108	A	400
48-1108	A	450
48-1108	A	886
48-1111	A	21
48-1111	A	400
48-1111	A	450
48-1111	A	886
48-1113	A	21
48-1113	A	400
48-1113 to 48-1119	A	450
48-1113 to 48-1119	A	886
48-1115	A	21
48-1115	A	400
48-1117	A	21
48-1117	A	400
48-1118	A	821
48-1119	A	21
48-1119	A	400
48-1122	A	21
48-1122	A	400
48-1122 to 48-1126	A	450
48-1122 to 48-1126	A	886
48-1124	A	21
48-1124	A	400
48-1125	A	21
48-1125	A	400
48-1203	A	215
48-1219 to 48-1227.01	R	450
48-1219 to 48-1227.01	R	886
48-1230	A	810
48-1601 to 48-1603	A	885

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48-1810	A	7
48-2115	A	7
49-202	A	482
49-202.01	R	306
49-209	A	306
49-506	A	674
49-765	A	589
49-803	A	589
49-803	R	589
49-1401	A	28
49-1401	A	399
49-1401	A	511
49-1407	A	46
49-1446.01	A	548
49-1459	A	537
49-1499	A	434
49-14,101	A	46
49-14,103.01	A	780
49-14,105	A	506
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49-14,111	A	506
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49-14,114	A	506
49-14,116	A	506
49-14,120	A	506
50-114.05	A	7
50-401.04	R	509
50-416.01	A	525
50-437	A	7
50-438	A	368
50-1144	A	573
50-1150	A	573
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51-201.01	R	590
51-202	R	590
51-203 to 51-219	R	590
51-301 to 51-305	R	556
51-307 to 51-319	R	556
51-606	A	7
52-118	A	568
52-118.02	A	568
52-401	A	172
52-401	A	262
52-1401	A	184
53-101	A	588
53-101.01	A	355
53-103	A	355
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53-117	A	355
53-117.05	A	355
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53-117.06	A	468
53-122	A	355
53-124	A	355
53-129	A	355
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53-134.02 to 53-134.03	R	355
53-135	A	355
53-135.01	A	355
53-160	A	770
53-164.02	A	354
53-167.01 to 53-167.04	R	468
53-168.06	A	72
53-168.06	A	586
53-179	A	217
53-180.04	A	468
53-180.05	A	243
53-180.07	A	260
53-192.01	A	874
53-1,115	A	355
53-1,116	A	355
54-147	A	7
54-617	A	85
54-701.03	A	718
54-857	A	7
54-1173	A	7
54-1371	A	7
54-1808	A	354
54-2004	A	7
54-2120 to 54-2126	R	11
55-120	A	43
55-131	A	7
55-480	A	18
57-906	A	407
57-911	A	407
57-919	A	407
58-212	A	574
58-440	A	574
59-802	A	865
59-1703	A	599
59-1728	A	599
59-1732	A	599
59-1733	A	599
59-1735	A	599
60-106	A	30
60-106	A	253
60-114	A	564
60-115	A	467
60-301	A	37
60-301	A	82
60-301	A	465
60-301	A	696
60-302	A	30
60-302	A	37
60-302	A	149
60-302	A	184
60-302	A	409
60-302	A	410
60-302	A	467
60-302.01	A	30
60-302.04	A	37
60-303	A	30
60-305.04	A	30
60-305.09	A	37
60-305.11	A	30
60-305.14	A	7
60-305.15	A	30
60-305.16	A	321
60-308	A	467
60-310	A	30
60-310	A	157
60-311	A	157
60-311	A	321
60-311	A	713
60-311.02	A	30
60-311.02	A	321
60-311.03	A	465
60-311.04	A	465
60-311.08 to 60-311.10	A	465
60-311.10	A	696
60-311.11	A	321
60-311.11	A	696
60-311.12	A	465
60-311.12	A	467
60-311.13	A	465
60-311.14	A	30
60-311.16	A	254
60-311.16	A	541
60-311.21	A	30
60-312	A	37
60-312	A	184
60-315	A	30
60-315	A	873
60-318	A	30
60-320	A	30
60-320	A	714
60-328	A	37
60-330.02	A	37
60-335	A	713
60-344	A	30
60-348	A	37
60-462	A	111
60-462	A	185
60-462	A	323
60-462	A	462
60-462	A	467
60-462	A	584
60-462	A	595
60-462	A	643
60-462	A	713
60-463	A	584
60-473	A	584
60-474	A	584
60-479	A	185
60-479	A	467
60-479	A	584
60-479	A	595
60-479	A	643
60-479	A	713
60-480	A	462
60-480	A	584
60-481	A	584
60-483	A	467
60-484	A	467
60-484	A	584
60-484	A	763
60-487	A	584
60-488	A	831
60-491	A	462
60-491	A	584
60-495	A	763
60-497	A	584
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60-4,100	A	322

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60-4,104	A	584
60-4,105	A	592
60-4,107 to 60-4,110	A	584
60-4,108	A	155
60-4,108	A	518
60-4,109	R	518
60-4,110	A	242
60-4,110	A	518
60-4,110	A	715
60-4,112	A	462
60-4,112	A	584
60-4,114	A	584
60-4,115	A	467
60-4,115	A	584
60-4,118	A	462
60-4,118	A	467
60-4,118	A	584
60-4,118.01	A	584
60-4,118.03	A	584
60-4,119	A	467
60-4,119	A	584
60-4,120	A	584
60-4,122	A	584
60-4,122	A	814
60-4,123	A	462
60-4,124	A	462
60-4,124	A	643
60-4,125	A	462
60-4,125	A	643
60-4,126	A	462
60-4,126	A	643
60-4,129	A	151
60-4,129	A	225
60-4,131	A	323
60-4,142	A	462
60-4,144	A	763
60-4,146	A	323
60-4,146.01	A	323
60-4,148	A	584
60-4,149.01	A	323
60-4,156	A	323
60-4,164	A	323
60-4,165	A	323
60-4,167	A	323
60-4,169	A	323
60-4,171	A	219
60-4,181	A	467
60-4,182	A	150
60-4,183	A	462
60-4,184	A	322
60-505.02	A	219
60-507	A	322
60-528	A	37
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60-601	A	38
60-601	A	132
60-601	A	284
60-601	A	426
60-601	A	766
60-601	A	809
60-605	A	132
60-686	A	574
60-696	A	751
60-6,117	A	462
60-6,162	A	59
60-6,164	A	43
60-6,188	A	363
60-6,196	A	150
60-6,196	A	151
60-6,196	A	201
60-6,196	A	715
60-6,196	A	769
60-6,196	A	813
60-6,197	A	150
60-6,197	A	201
60-6,197	A	715
60-6,197	A	769
60-6,197	A	813
60-6,201	A	485
60-6,202	A	111
60-6,202	A	485
60-6,204	A	485
60-6,205	A	151
60-6,206	A	150
60-6,206	A	151
60-6,206	A	201
60-6,206	A	219
60-6,206	A	225
60-6,206	A	715
60-6,206	A	813
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60-6,211.01	A	766
60-6,211.02	A	766
60-6,211.03	A	766
60-6,211.05	A	150
60-6,211.05	A	151
60-6,219	A	59
60-6,225	A	59
60-6,226	A	59
60-6,227	A	59
60-6,231	A	213
60-6,232	A	59
60-6,246	A	6
60-6,246	A	428
60-6,282	A	246
60-6,290	A	686
60-6,294	A	186
60-6,298	A	319
60-6,322	A	459
60-6,324	A	459
60-6,331	A	459
60-6,335	A	459
60-6,339	A	459
60-1301	A	428
60-1401.02	A	564
60-1403	A	564
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60-1406	A	564
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60-1411.02	A	564
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60-1411.03	A	564
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60-1417	A	564
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60-1807	A	30
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61-103	A	161
64-101	A	408
66-482	A	184
66-490	A	184
66-491	A	184
66-492	A	184
66-493	A	184
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66-4,128	A	30
66-4,141	A	184
66-4,142	A	184
66-4,143	A	184
66-4,144	A	184
66-4,145	A	327
66-4,146	A	327
66-4,147	A	184
66-651	A	184
66-654	A	182
66-668	A	182
66-670	A	327
66-673	A	182
66-673	A	183
66-681	A	182
66-684	A	184
66-685	A	184
66-686	A	184
66-687	A	184
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66-691	A	184
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66-693	R	184
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66-712	A	184
66-719.01	A	184
66-726	A	184
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66-733	A	184
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67-302	A	681
67-303 to 67-306	A	681
67-311	A	681
67-315	A	681
67-318	A	681
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67-328	A	681
67-334	A	681
67-336	A	681
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68-309	A	839
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68-717	A	839
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68-1019 to 68-1019.05	A	839
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68-1021	A	839
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68-1024 to 68-1026	A	839
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68-1031	A	839
68-1033	A	839
68-1034	A	839
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68-1035.01	A	839
68-1036	A	839
68-1036.01	R	839
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68-1038	A	839
68-1039	A	839
68-1043	A	839
68-1047	A	574
68-1047	A	839
68-1050	A	839
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68-1402	A	839
68-1403	A	839
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68-1708	A	455
68-1708	A	684
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68-1713	A	455
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68-1715	A	455
68-1717	A	455
68-1721	A	455
68-1724	A	843
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68-1730	A	455
68-1730	R	495
68-1735	R	455
68-1735	A	765
69-202	A	188
69-204	A	188
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69-1317	A	7
69-1701	A	264
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69-2408 to 69-2410	A	778
69-2421	A	778
69-2422	A	778
69-2424	A	778
69-2425	A	778
70-505	A	480
70-506	A	480
70-509	A	480
70-601	A	317
70-603	A	480
70-604	A	480
70-604.01	A	480
70-604.05	A	480
70-604.06	A	480
70-607	A	480
70-608	A	480
70-612	A	480
70-622	A	50
70-623	A	480
70-625	A	316
70-625	A	317
70-625.02	A	143
70-625.02	A	480
70-626	A	480
70-626.01	A	480
70-626.02	A	143
70-626.04	A	143
70-626.04	A	480
70-627.01	R	120
70-630	A	317
70-631	A	317
70-632	A	317
70-636	A	317
70-637	A	317
70-651.04	A	732
70-651.05	A	30
70-655	A	317
70-655	A	828
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70-659	A	317
70-660	A	317
70-661	A	317
70-662	A	317
70-662	A	480
70-663	A	480
70-664	A	480
70-665	A	480
70-666	A	480
70-667	A	50
70-667	A	317
70-802	A	480
70-803	A	480
70-804	A	480
70-805	A	480
70-806	A	480
70-807	A	480
70-1002	A	480
70-1002.01	A	480
70-1002.02	A	480
70-1002.03	A	480
70-1002.04	A	480
70-1003	R	480
70-1004	A	480
70-1005	A	480
70-1006	A	480
70-1007	A	480
70-1008	A	480
70-1009	A	480
70-1010	A	480
70-1011	A	480
70-1012	A	480
70-1012.01	A	480
70-1013	A	480
70-1014	A	480
70-1016	A	480
70-1017	A	480
70-1018	A	480
70-1019	A	480
70-1020	A	480
70-1021	A	480
70-1022	A	480
70-1023	A	480
70-1024	A	480
70-1025	A	480
70-1026	A	480
70-1027	A	480
70-1321	A	480
70-1326	A	480
70-1406	A	480
70-1407	A	480
70-1503	A	480
70-1504	A	480
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71-101	A	83
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71-102	A	32
71-102	A	83
71-102	A	492
71-107	A	32
71-107	A	83
71-107	A	492
71-110	A	32
71-110	A	83
71-110	A	492
71-112	A	32
71-112	A	83

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71-113	A	83
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71-116	A	32
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71-131	A	83
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71-139.02	A	32
71-147	A	63
71-147	A	83
71-148	A	63
71-148	A	83
71-162	A	32
71-162	A	83
71-162	A	492
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71-193.18	A	449
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71-1,103	A	485
71-1,103	A	619
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71-1,132.04	A	563
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71-1,132.15	A	563
71-1,132.16	A	563
71-1,132.18	A	563
71-1,132.19	R	563
71-1,132.20	A	563
71-1,132.21	A	563
71-1,132.24 to 71-1,132.28	A	563
71-1,132.29	A	563
71-1,132.35	A	563
71-1,132.36	A	563
71-1,132.37	A	563
71-1,132.41	A	563
71-1,132.47	A	563
71-1,132.49	A	563
71-1,132.50	A	563
71-1,132.52	R	563
71-1,132.53	A	563
71-1,133	A	619
71-1,134	A	619
71-1,135	A	619
71-1,135.01	A	619
71-1,135.02	A	619
71-1,135.04	A	619
71-1,143	A	414
71-1,147.01	A	414
71-1,198	A	563
71-1,206.13	A	7
71-1,237	A	7
71-1,243	A	7
71-1,257	A	7
71-1,268	A	7
71-1,283	A	7
71-1,285 to 71-1,292	A	492
71-1,288	A	7
71-1,293	A	492
71-1,294	A	492
71-1,312	A	275
71-1,312	A	839
71-1,339	A	563
71-203	A	852
71-222.02	A	7
71-340 to 71-345	A	852
71-347	A	852
71-356	A	852
71-358	A	852
71-359	A	852
71-361	A	852
71-362	A	852
71-364	A	852
71-368	A	852
71-369	A	852
71-371	A	852
71-372	A	852
71-376	A	852
71-377	A	852
71-381	A	7
71-381	A	852
71-382	A	852
71-385 to 71-387	A	852
71-389	A	852
71-390	A	852
71-394 to 71-396	A	852
71-397	A	852
71-3,100	A	852
71-3,102 to 71-3,107	A	852
71-3,109	A	852
71-3,110	A	852
71-3,117	A	852
71-3,119 to 71-3,121	A	852
71-3,124	A	852
71-3,125	A	852
71-3,136 to 71-3,143	A	852
71-3,145 to 71-3,147	A	852
71-3,149	A	852
71-3,150	A	852
71-3,159	A	852
71-3,169	A	852
71-3,174	A	852
71-3,177 to 71-3,179	A	852
71-602.01	R	839
71-604.05	A	839
71-612	A	403
71-615	A	539
71-617.15	A	403
71-627	A	403
71-628	A	403

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71-634	A	403
71-901	A	401
71-901	A	485
71-1401	A	839
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71-1556	R	428
71-1557 to 71-1559	R	428
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71-1561	R	428
71-1562	R	428
71-1563	R	428
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71-1565	R	428
71-1566 to 71-1568	R	428
71-1569	A	428
71-1628	A	366
71-1630	A	366
71-1631	A	366
71-1704	A	414
71-1705	A	414
71-1705	A	563
71-1706	A	414
71-1707	A	414
71-1711	R	414
71-1714	A	414
71-1715	R	414
71-1716 to 71-1716.03	A	414
71-1716.04	R	414
71-1717	A	414
71-1721	A	414
71-1721.01 to 71-1721.05	R	414
71-1721.06	A	414
71-1721.07	A	414
71-1722	A	414
71-1723	A	414
71-1723.01	A	414
71-1724	A	414
71-1724.01	A	414
71-1725 to 71-1726.02	A	414
71-1727	A	563
71-1728	R	414
71-1730	A	414
71-1735	A	414
71-1735	A	563
71-1760	A	563
71-1779	A	563
71-1786	A	563
71-1901	A	255
71-1901	A	401
71-1901	A	451
71-1902	A	255
71-1902	A	401
71-1902	A	402
71-1902	A	451
71-1903	A	255
71-1903	A	401
71-1903	A	451
71-1903	A	485
71-1904	A	255
71-1904	A	401
71-1904	A	402
71-1904	A	451
71-1905	A	255
71-1905	A	451
71-1907	A	401
71-1908	A	401
71-1909	A	401
71-1910	A	401
71-1910	A	621
71-1911	A	401
71-1912	A	401
71-1913	A	401
71-1913	A	485
71-1913.01	A	401
71-1913.01	A	414
71-1913.02	A	401
71-1913.03	A	401
71-1914	A	401
71-1915	A	401
71-1916	A	401
71-1917	A	401
71-1918	R	401
71-2016	A	7
71-2017.01	A	659
71-2017.01	A	704
71-2017.07	A	839
71-2057	A	366
71-2201	A	7
71-2601	A	32
71-2601	A	174
71-2607	A	635
71-2609	R	824
71-2610.01	A	635
71-2617	A	839
71-2802	A	448
71-2803.01	A	448
71-2819	A	448
71-3501	A	405
71-3502	A	405
71-3503	A	405
71-3505	A	405
71-3507	A	405
71-3508	A	405
71-3508.02	A	103
71-3515.01	A	405
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71-4615	R	428
71-4616 to 71-4620	R	428
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71-4625	A	558
71-4628	A	558
71-4632	A	558
71-4633	A	558

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71-4635	A	558
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71-4720	A	25
71-4727	A	25
71-4728	A	25
71-4729	A	25
71-4732	A	7
71-4732	A	25
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71-4807	R	763
71-4809	R	763
71-4810	R	763
71-4811 to 71-4818	R	763
71-5001	A	839
71-5002	A	495
71-5002	A	839
71-5003	A	839
71-5003.01	A	839
71-5004	A	839
71-5005 to 71-5007	R	839
71-5006	A	275
71-5008	A	839
71-5009	A	275
71-5009	A	839
71-5009.01	R	839
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71-5014	A	839
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71-5030	A	839
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71-5037 to 71-5040	A	839
71-5103	A	637
71-5108	A	206
71-5109	A	637
71-5120	A	43
71-5133	A	637
71-5142	A	637
71-5147	A	637
71-5152	A	637
71-5157	A	637
71-5514.01	A	637
71-5661	A	7
71-5662	A	373
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71-5668	A	373
71-5669	A	373
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71-5804	R	224
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71-5809.02	R	224
71-5810	R	224
71-5811	R	224
71-5812	R	224
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71-5830	R	224
71-5830	A	497
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71-5832	R	224
71-5832.01	R	224
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71-5837	R	224
71-5838	R	224
71-5838	A	497
71-5840	R	224
71-5841	R	224
71-5846	R	224
71-5846	A	497
71-5848	R	224
71-5848	A	497
71-5848.01	R	224
71-5849	R	224
71-5853	A	497
71-5855	R	224
71-5857	R	224
71-5859 to 71-5859.04	R	224
71-5859	R	497
71-5859.04	A	497
71-5865	R	224
71-5865	A	497
71-5866	R	224
71-5866	A	497
71-5866	A	825
71-5868 to 71-5870	R	224
71-5869	A	497
71-6001 to 71-6007	A	406
71-6116	A	7
71-6228	A	7
71-6301	A	406

SECTION	REPEAL OR AMEND	BILL
71-6303	A	406
71-6309.01	R	406
71-6310	A	406
71-6310.01	A	406
71-6311	A	406
71-6314	A	406
71-6315	R	406
71-6316	A	771
71-6317	A	406
71-6318	A	147
71-6405	A	428
71-6407	A	826
71-6801	R	485
71-6801	A	704
71-6802	R	485
71-6803	R	485
71-6804	R	485
71-6805	R	485
71-6806	R	485
71-6807	R	485
71-6808	R	485
71-6809	R	485
71-6810	R	485
71-6811 to 71-6815	R	485
71-6815.01	R	485
71-6816	R	485
71-6817 to 71-6819	R	485
71-6820	R	485
71-6821	R	485
71-6822	R	485
71-6823	R	485
71-6823.01	R	485
71-6824 to 71-6831	R	485
71-6906	R	859
71-7001	A	405
71-7001	A	460
71-7002	A	460
71-7003	A	460
71-7004	A	405
71-7004	A	460
71-7009	A	460
71-7010	A	460
71-7012	A	405
71-7012	A	460
71-7013	A	460
71-7303	A	637
71-7318	A	43
71-7412	A	574
71-7501	A	495
71-7503	A	495
71-7516	A	495
71-7518.03	A	839
71-7518.04	A	224
71-7522 to 71-7529	R	495
71-7528	A	7
72-201	A	716
72-202	A	7
72-202	R	716
72-204	A	716
72-232	A	716
72-232.01	A	716
72-232.02	A	716
72-232.07	A	7

SECTION	REPEAL OR AMEND	BILL
72-233	A	716
72-234	A	716
72-235	A	716
72-240.26	A	716
72-241	A	716
72-245	A	716
72-249	A	839
72-257	A	716
72-257.01	A	716
72-258.01	A	716
72-259	A	716
72-801	A	567
72-803	A	568
72-811	A	567
72-813	A	567
72-816	A	567
72-817	A	567
72-1237	A	368
72-1237	A	528
72-1237	A	847
72-1237.01	A	694
72-1237.01	A	716
72-1239	A	368
72-1239	A	847
72-1240 to 72-1242	A	847
72-1243	A	368
72-1243	A	528
72-1243	A	847
73-101.01	A	517
74-308	A	827
74-311	A	23
74-1302	A	80
74-1305	A	80
74-1305	A	827
74-1309	R	80
74-1317	A	7
74-1401 to 74-1402.01	A	463
74-1405 to 74-1406	A	463
74-1407.01	A	463
74-1410	A	463
74-1410.01	A	463
74-1412.01 to 74-1415.01	A	463
74-1415.02	R	463
74-1415.03	A	101
74-1415.04	A	463
74-1415.05	A	463
74-1419.01	R	463
74-1419.02	A	463
74-1419.03	R	463
74-1420	A	101
74-1420 to 74-1420.03	A	463
74-1427	A	463
74-1429	A	101
74-1429	A	463
75-104	A	16
75-109	A	23
75-109	A	424
75-111	A	23
75-111	A	424
75-112	A	23
75-112	A	424
75-113	A	23

SECTION	REPEAL OR AMEND	BILL
75-113	A	424
75-114	A	23
75-114	A	424
75-115	A	23
75-115	A	424
75-116	A	23
75-116	A	424
75-117	A	23
75-117	A	424
75-118	A	23
75-118	A	424
75-124	A	23
75-124	A	424
75-126	A	424
75-127	A	23
75-128	A	23
75-129	A	23
75-131	A	23
75-132	A	23
75-133	A	23
75-133	A	424
75-134	A	424
75-136	A	23
75-136.01	A	23
75-301	A	424
75-302	A	23
75-302	A	424
75-303	A	23
75-303	A	424
75-303.01	A	424
75-304	A	23
75-304.01	A	23
75-304.01	A	424
75-305	A	23
75-306	A	23
75-307	A	424
75-308	A	424
75-308.01	A	424
75-309	A	23
75-309	A	424
75-309.01	A	424
75-309.03	A	23
75-309.03	R	424
75-311	A	424
75-312	R	424
75-314	A	424
75-315	A	424
75-316	A	424
75-317	R	424
75-318	A	424
75-319	A	424
75-322.02 to 75-322.04	R	23
75-322.02	A	424
75-348	A	23
75-348	A	424
75-358	A	23
75-363	A	461
75-363	A	481
75-364	A	461
75-366	A	424
75-370	A	424
75-371	A	424
75-381	A	424
75-382	A	424
76-214	A	384
76-214	A	490
76-214	A	527
76-252	A	396
76-252	A	477
76-2,111	A	574
76-2,122	A	774
76-703	A	827
76-717	A	177
76-720	A	177
76-720	A	222
76-720	A	318
76-720	A	545
76-901	A	288
76-903	A	288
76-1004	A	288
76-1014.01	A	396
76-1014.01	A	477
76-1426	A	354
76-1437	A	354
76-1442	A	52
76-1446	A	52
76-1446	A	175
76-1446	A	850
76-1463	A	428
76-2102	A	574
76-2308	A	522
76-2319	A	857
76-2320	A	857
76-2323	A	857
77-112	A	672
77-118	A	574
77-120	A	490
77-120	A	574
77-201	A	30
77-201	A	45
77-202	A	30
77-202	A	45
77-202	A	139
77-202	A	257
77-202	A	267
77-202	A	605
77-202	A	648
77-202	A	792
77-202	A	822
77-202.01	A	30
77-202.01	A	490
77-202.02	A	30
77-202.02	A	490
77-202.03	A	30
77-202.03	A	490
77-202.04 to 77-202.06	A	30
77-202.04	A	490
77-202.05	A	490
77-202.06	A	490
77-202.08	R	30
77-202.24	A	30
77-202.25	A	30
77-202.25	A	490
77-209	A	549
77-367	A	490
77-370.01	R	152
77-371	A	490
77-381	A	184
77-3,111	A	7
77-3,113	A	490
77-3,114	A	490
77-3,115	A	490

SECTION	REPEAL OR AMEND	BILL
77-3,116	A	490
77-415	A	490
77-416	A	490
77-418	A	490
77-419	A	490
77-420	A	490
77-421	A	490
77-425	A	490
77-428	A	490
77-506	A	137
77-507.01	A	490
77-508	A	490
77-508.01	A	490
77-509	A	452
77-509	A	490
77-509.01	A	452
77-601	A	490
77-603	A	490
77-604	A	490
77-605	A	490
77-606	A	490
77-607	A	490
77-608	A	490
77-609	A	490
77-611	A	490
77-612	A	490
77-615	A	490
77-616	A	490
77-621	A	490
77-623	A	490
77-680	A	490
77-681	A	490
77-682	A	490
77-683	A	490
77-684	A	490
77-685	A	490
77-686	A	490
77-687	A	490
77-689	A	490
77-690	A	490
77-691	A	490
77-693	A	490
77-801	A	490
77-802	A	386
77-802	A	490
77-803	A	490
77-804	A	490
77-907	A	574
77-915	A	490
77-1201	A	30
77-1201	A	791
77-1202	A	30
77-1202	A	791
77-1216	A	490
77-1229	A	490
77-1229	A	791
77-1232	A	791
77-1233.02	A	791
77-1233.04	A	490
77-1238 to 77-1239.02	R	30
77-1239	A	533
77-1239.01	A	490
77-1239.05	R	30
77-1239.06	R	30
77-1240.01	R	30
77-1240.01	A	490
77-1240.03	R	30
77-1240.03	A	533
77-1240.03	A	873
77-1240.04	R	30
77-1241.01	R	30
77-1242.01	R	30
77-1242.02	R	30
77-1245	A	490
77-1247	A	490
77-1248	A	490
77-1249	A	490
77-1249.01	A	490
77-1250	A	490
77-1250.02	A	490
77-1250.03	A	490
77-1250.04	A	490
77-1250.05	A	490
77-1301	A	791
77-1301.01	A	490
77-1301.06	A	490
77-1301.07	A	490
77-1301.12	A	490
77-1301.13	A	490
77-1301.14	A	490
77-1301.15	A	490
77-1311	A	490
77-1314	A	490
77-1315	A	452
77-1325	A	490
77-1327	A	452
77-1327	A	490
77-1329	A	490
77-1330	A	490
77-1331	A	490
77-1332	A	490
77-1333	A	490
77-1334	A	490
77-1336	A	490
77-1339	A	490
77-1340	A	490
77-1342	A	490
77-1344	A	692
77-1360.01	A	490
77-1360.01	A	648
77-1361	A	490
77-1362	A	490
77-1371	A	490
77-1372	R	490
77-1376	A	490
77-1377	A	490
77-1378	A	452
77-1378	A	675
77-1381	A	452
77-1381	A	490
77-1384	A	452
77-1384	A	675
77-1385 to 77-1388	R	452
77-1385 to 77-1388	R	675
77-1502	A	452
77-1502	A	490
77-1503.01	A	452
77-1503.01	A	490
77-1504	A	452
77-1504	A	490
77-1506.02	R	452

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77-1506.02	R	490
77-1506.02	A	675
77-1507	A	490
77-1510	A	452
77-1510	A	490
77-1513	A	490
77-1514	A	452
77-1514	A	490
77-1515	A	490
77-1601	A	167
77-1601	A	452
77-1606	A	490
77-1612	A	452
77-1613.01	A	490
77-1613.02	A	490
77-1615.01	A	490
77-1623	A	490
77-1701	A	412
77-1704.01	A	490
77-1705	A	490
77-1715.07	A	503
77-1716	A	452
77-1719.04	A	354
77-1735	A	490
77-1736.06	A	490
77-1736.08	A	30
77-1738	A	490
77-1747	A	490
77-1768	R	490
77-1769	R	490
77-1770	R	490
77-1775	A	490
77-1775.01	A	490
77-1777	A	490
77-1784	A	134
77-1823	A	153
77-1823	A	202
77-1825	A	153
77-1918	A	488
77-2002	A	574
77-2023	A	538
77-2101	A	574
77-2101.01	A	574
77-2101.02	A	574
77-2103	A	574
77-2104	A	574
77-2115	A	574
77-2306	A	725
77-2363	A	674
77-2363	A	780
77-2365	A	7
77-2602	A	666
77-2701	A	95
77-2701	A	106
77-2701	A	115
77-2701	A	210
77-2701	A	227
77-2701	A	413
77-2701	A	648
77-2701	A	677
77-2701	A	706
77-2701	A	707
77-2701	A	745
77-2701	A	790
77-2701	A	853
77-2701.01	A	107
77-2701.01	A	299
77-2701.01	A	790
77-2701.01	A	833
77-2701.02	A	66
77-2701.02	A	107
77-2701.02	A	299
77-2701.02	A	606
77-2701.02	A	790
77-2701.02	A	833
77-2702.07	A	45
77-2702.07	A	106
77-2702.07	A	379
77-2702.07	A	648
77-2702.07	A	744
77-2702.09	A	574
77-2702.13	A	45
77-2702.13	A	106
77-2702.13	A	379
77-2702.13	A	430
77-2702.13	A	648
77-2702.13	A	744
77-2702.14	A	45
77-2702.14	A	648
77-2702.14	A	744
77-2702.17	A	134
77-2702.17	A	648
77-2702.17	A	677
77-2702.17	A	744
77-2703	A	17
77-2703	A	45
77-2703	A	648
77-2703	A	744
77-2704.05	A	184
77-2704.24	A	648
77-2704.24	A	745
77-2704.24	A	853
77-2704.31	A	66
77-2704.31	A	606
77-2704.31	A	648
77-2705	A	136
77-2708	A	9
77-2708	A	118
77-2708	A	287
77-2711	A	66
77-2711	A	134
77-2711	A	287
77-2711	A	606
77-2711	A	648
77-2715.01	A	790
77-2715.02	A	663
77-2715.07	A	228
77-2715.07	A	295
77-2715.07	A	745
77-2715.07	A	853
77-2716	A	31
77-2716	A	278
77-2716	A	724
77-2716	A	788
77-2716	A	819
77-2716.01	A	362
77-2716.02	A	37
77-2716.03	A	300
77-2730	A	503
77-2733	A	134
77-2734.02	A	596
77-2734.02	A	790
77-2734.03	A	277
77-2734.03	A	503

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77-2734.14	A	248
77-2734.14	A	559
77-2770	A	134
77-2790	A	788
77-27,119	A	360
77-27,132	A	66
77-27,132	A	606
77-27,132	A	790
77-27,132	A	853
77-27,137	A	490
77-27,137.01	A	66
77-27,137.02	A	108
77-27,137.02	A	490
77-27,142 to 77-27,142.02	R	66
77-27,142 to 77-27,142.02	R	606
77-27,142 to 77-27,142.02	R	648
77-27,142.03	R	66
77-27,142.03	R	606
77-27,142.03	R	648
77-27,142.04 to 77-27,146	R	66
77-27,142.04 to 77-27,146	R	606
77-27,142.04 to 77-27,146	R	648
77-27,144	A	208
77-27,147	A	17
77-27,147	R	66
77-27,147	R	606
77-27,147	R	648
77-27,148	R	66
77-27,148	R	606
77-27,148	A	610
77-27,161	A	839
77-27,163.01	A	839
77-27.208	A	839
77-27,186.01	R	9
77-27,187	A	257
77-27,188	A	134
77-27,188	A	272
77-27,188.01	A	272
77-27,190	A	272
77-27,196	A	257
77-3402	A	364
77-3405	A	364
77-3406	A	364
77-3407	R	364
77-3408	A	364
77-3410.01	R	364
77-3437	A	30
77-3437 to 77-3441	R	341
77-3437	A	613
77-3437 to 77-3441	R	682
77-3438	A	490
77-3438	A	780
77-3439	A	43
77-3439	A	49
77-3439	A	613
77-3439	A	674
77-3439	A	780
77-3441	R	613
77-3501	A	808
77-3504	A	298
77-3504	A	574
77-3504	A	853
77-3506.02	A	499
77-3507	A	483
77-3507	A	801
77-3509.01	A	808
77-3509.02	A	808
77-3509.03	A	808
77-3510	A	135
77-3510	A	490
77-3510	A	808
77-3511	A	808
77-3512	A	133
77-3512	A	808
77-3513	A	133
77-3513	A	490
77-3513	A	808
77-3514	A	133
77-3514	A	135
77-3514	A	490
77-3514	A	808
77-3516	A	133
77-3516	A	490
77-3516	A	808
77-3517	A	133
77-3517	A	490
77-3519	A	490
77-3520	A	490
77-3521	A	490
77-3521	A	808
77-3522	A	808
77-3523	A	490
77-3523	A	499
77-3523	A	808
77-3528	A	133
77-3528	A	490
77-3529	A	808
77-3801	A	26
77-3804	A	360
77-3821	R	613
77-3902	A	490
77-4101	A	795
77-4102	A	795
77-4103	A	276
77-4103	A	794
77-4104	A	276
77-4104	A	795
77-4104.01	A	794
77-4105	A	66
77-4105	A	276
77-4105	A	795
77-4106	A	66
77-4107	A	795
77-4110	A	794
77-4501	A	30
77-4803	A	743
79-101.01	A	170
79-101.01	A	613
79-101.01	A	624
79-207	A	773
79-323	A	566
79-328	A	780
79-340	A	7
79-402	A	600
79-402	A	624
79-402.15	A	604

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79-402.20	A	648
79-403	A	604
79-407	A	624
79-426.15	A	624
79-426.27	A	648
79-426.28	A	648
79-438.12	A	170
79-438.13	R	170
79-444	A	47
79-444	A	214
79-444	A	401
79-444	A	621
79-444.06	A	214
79-445	A	431
79-445	A	432
79-445	A	624
79-451	A	613
79-451	A	624
79-478	R	624
79-479	R	624
79-480	R	624
79-481	R	624
79-482	R	624
79-483	R	624
79-484	R	624
79-485	R	624
79-488	A	624
79-488	A	780
79-488.06	A	780
79-4,118	A	159
79-4,140.02	A	780
79-4,140.04	A	780
79-4,140.05	A	780
79-4,140.06	A	780
79-4,140.08	A	780
79-4,140.09	A	780
79-4,140.11	A	780
79-4,140.12	A	780
79-4,140.13	A	780
79-4,141.01	A	845
79-4,179.01	A	639
79-4,195	A	639
79-4,196	A	433
79-4,196	A	624
79-4,226	A	780
79-4,234 to 79-4,238	R	70
79-4,239	A	70
79-4,241	A	674
79-4,241	A	780
79-501	A	624
79-516.08	A	737
79-547.04	A	577
79-810	A	452
79-810	A	624
79-903	A	452
79-903	A	648
79-1007	A	648
79-1032	A	505
79-1032	A	780
79-1034	A	505
79-1040	A	505
79-1043	A	505
79-1044.01	A	505
79-1045	A	505
79-1045	A	780
79-1046	A	505
79-1046.01	A	574
79-1048	A	780
79-1049	A	780
79-1049.04	A	780
79-1049.05	R	780
79-1049.06	A	574
79-1056	A	505
79-1056	A	574
79-1056.06	A	505
79-1108	A	604
79-1233	A	785
79-1247.05	A	123
79-1247.05	A	740
79-1247.06	A	754
79-1247.16	A	740
79-1254.02	A	780
79-1254.06	A	607
79-1254.10	A	142
79-12,105	A	607
79-12,107	A	607
79-12,111	A	607
79-12,112	A	607
79-12,114	A	607
79-12,115.01	A	607
79-12,119 to 79-12,121.02	A	607
79-12,153	A	780
79-1303	A	170
79-1303	A	716
79-1345	A	7
79-1384	A	624
79-1429	A	674
79-1448	A	149
79-1501	A	562
79-1501	A	700
79-1501	A	780
79-1501.01	A	419
79-1501.01	A	501
79-1501.01	A	700
79-1503	A	562
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